APPENDIX

Supreme Court, U. S.
FILED
DEC 11 1975
MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-292

THE SERBIAN EASTERN ORTHODOX DIOCESE FOR THE UNITED STATES OF AMERICA AND CANADA,
a Religious Body, et al.,

Petitioners,

vs.

DIONISIJE MILIVOJEVICH, et al.,

Respondents.

Volume IV—Pages 1399 to 1833
Exhibits—Opinions

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

Petition for Writ of Certiorari
Filed August 26, 1975
Certiorari Granted October 20, 1975

PAGE

TESTIMONY (ABSTRACTED AND VERBATIM)

Brkich, Milan—
- Direct Examination 239
- Cross Examination 258
- Redirect Examination 269
- Recross Examination 271
- Direct Examination 504
- Cross Examination 508
- Direct Examination 692

Damaskin, Metropolitan (Deposition)—
- Direct Examination 184
- Cross Examination 192
- Redirect Examination 196

Grunchich, Milan—
- Direct Examination 370
- Cross Examination 372

Ilicich, Nikanor—
- Direct Examination 163
- Cross Examination 178
- Redirect Examination 184

Ivanovich, Alexander—
- Direct Examination 381, 400
- Cross Examination 402, 403
- Redirect Examination 405
- Recross Examination 406

Kostich, Visarion—
- Direct Examination 196
- Cross Examination 220
- Redirect Examination 236
- Direct Examination 677
- Cross Examination 683
- Redirect Examination 691

PAGE

Kovacevich, Irinej—
- Direct Examination 550, 576
- Cross Examination 583
- Redirect Examination 595
- Direct Examination 712

Meyendorff, John—
- Direct Examination 345
- Cross Examination 367
- Cross Examination 385
- Redirect Examination 396

Milivojevich, Dionisije—
- Direct Examination 438
- Cross Examination 446
- Direct Examination 448
- Direct Examination 466
- Direct Examination 513
- Direct Examination 562
- Cross Examination 597
- Redirect Examination 642
- Direct Examination 713
- Cross Examination 717

Mladenovich, Mladen—
- Direct Examination 110
- Cross Examination 143
- Redirect Examination 161

Neff, Owen C.—
- Direct Examination 718
- Cross Examination 719

Vol. I — pp. 1 to 356; Vol. II — pp. 357 to 719; Vol. III — pp. 901 to 1398; Vol. IV — pp. 1399 to 1833

PAGE

Ocokoljich, Firmilian—
Direct Examination 300
Cross Examination 310
Direct Examination 310, 311
Cross Examination 324
Direct Examination 325
Cross Examination 326
Direct Examination 326
Cross Examination 341
Cross Examination 373
Redirect Examination 375
Examination Under Sec. 60 of the Illinois Civil Practice Act, Ch. 110, Ill. Rev. Stat. 523
Cross Examination 548
Redirect Examination 549
Examination Under Sec. 60 549
Direct Examination 710
Cross Examination 712

Paljich, Nikanor—
Direct Examination 456
Cross Examination 458

Radakovich, Milan—
Direct Examination 296
Cross Examination 298
Redirect Examination 299
Recross Examination 299
Direct Examination 693
Cross Examination 694

PAGE

Shoukletovich, Doushan J.—
Direct Examination 271
Cross Examination 283
Redirect Examination 294
Recross Examination 295
Redirect Examination 295

Stefanovic, Zivan—
Direct Examination 406
Cross Examination 432
Cross Examination 454
Redirect Examination 459

Stepanovich, Nick—
Direct Examination 644
Direct Examination 655
Examination Under Sec. 60 659

Tobias, Robert—
Direct Examination 694
Cross Examination 700
Redirect Examination 709

Vasilije, Bishop of Zhica—
Direct Examination 660
Cross Examination 667
Redirect Examination 675
Recross Examination 677

Vuyovich, Robert—
Direct Examination 376
Cross Examination 380

Vol. I — pp. 1 to 356; Vol. II — pp. 357 to 719; Vol. III — pp. 901 to 1398; Vol. IV — pp. 1399 to 1833

PAGE

PLAINTIFFS' EXHIBITS

Plaintiffs' Exhibit No.		
1	5/10/63 Minutes of Holy Synod re Suspension of Dionisije	901*
2	5/10/63 Minutes of Holy Assembly of Bishops re Accusations against Dionisije	902
2B	Corrected Translation of PX 2	904
3	5/10/63 Letter from Synod to Firmilian re Suspension of Dionisije	905
3D	5/10/63 Letter from Synod to Dionisije re His Suspension	906
4	5/10/63 Minutes of Holy Assembly of Bishops re Reorganization	908
4C	2/13/62 Letter of Dionisije to Synod re Metropolia	911
5A	5/17/63 Letter from Synod to Firmilian re Reorganization	913
7	5/17/63 Letter from Synod to Firmilian re Reorganization	915
7D	5/17/63 Letter from Synod to Dionisije re Reorganization	917
8	7/27/63 Decision of Holy Assembly to Remove Dionisije	919
9	7/29/63 Letter from Synod to Firmilian re Removal	923

* Note: The page numbers from 720 to 900 were omitted in printing.

PAGE

Plaintiffs' Exhibit No.		
10	7/29/63 Letter from Synod to Firmilian re His Election as Bishop	924
11	7/29/63 Letter from Synod to Dionisije re His Removal	925
12	7/29/63 Letter from Synod to Gregory Udicki re His Election	926
13	6/13/63 Letter from Synod to Gregory Udicki	927
14	6/13/63 Letter from Synod to Gregory Udicki	928
15	6/9/63 Letter to Synod from Plenum re 5/10/63 Decisions of Hierarchy	929
16	Synod's Indictment of Dionisije	930
17	7/6/63 Communique to Diocese from Chrysostom and Visarion	981
18	11/12/63 Synod's confirmation of 5/10/63 Decision	983
19	11/18/63 Letter from Dionisije to Synod re Indictment	985
20	12/10/63 Decision of Synod	987
21	3/5/64 Judgment of Holy Assembly against Dionisije	989
22	3/16/64 Letter from Patriarch to Firmilian re Dionisije's Defrockment	1009
23	6/5/67 Proclamation by Patriarch re Bishop Sava	1010
24	9/13/21 Decision of Holy Assembly to Send Delegation to America	1011

PAGE

PLAINTIFFS' EXHIBIT No.

25 9/13/21 Decision of Holy Assembly to Establish American-Canadian Diocese 1012

26 12/8/22 Minutes of Holy Assembly re Election of Mardary as Administrator 1015

27 11/22/25 Minutes of Holy Assembly re Election of Mardary as Bishop 1016

28 10/25/28 Minutes of Holy Assembly re Diocesan Constitution 1017

30 1939 Constitution of American-Canadian Diocese 1019

31 5/24/39 Minutes of Holy Assembly re Amendments to Diocesan Constitution 1071

32 12/14/35 Minutes of Holy Assembly re Death of Mardary 1073

33 6/21/36 Minutes of Holy Assembly re Administration of Diocese 1074

34 6/22/38 Minutes of Holy Assembly re Election of Damaskin as Bishop 1075

35 12/8/39 Minutes of Holy Assembly re Election of Dionisije as Bishop 1077

36 12/8/39 Notice of Dionisije's Election 1078

37 8/29/38 Dionisije's Bishop's Oath 1078

38 1951 Minutes of Holy Assembly re Report of Dionisije 1090

40 1951 Minutes of Holy Assembly re Letter of Dionisije 1091

PAGE

PLAINTIFFS' EXHIBIT No.

41 5/16/52 Minutes of Holy Assembly re Letters from Bishops 1092

42 12/9/56 Letter of Dionisije to Patriarch re Diocesan Regulations 1094

43 9/9/58 Minutes of Holy Assembly re Letter of Dionisije 1096

45 5/19/53 Minutes of Holy Assembly re Letter of Dionisije 1096

46 6/7/58 Decision of Holy Assembly re Diocesan Rules 1098

47 7/15/58 Minutes of Holy Assembly re Letter of Dionisije 1099

48 6/9/59 Minutes of Holy Assembly re Letter of Dionisije 1100

49 4/9/60 Letter of Dionisije to Synod re By-laws of Clergy Association 1102

50 6/9/60 Minutes of Holy Assembly re Letter of Dionisije 1103

53 1/24/63 Report of Damaskin Delegation re Complaints against Dionisije 1105

54B 5/8/63 Minutes of Holy Assembly re Letter of Dionisije 1107

55 8/10/63 Letter from Synod to Firmilian re Message of Holy Assembly 1108

55B 7/27/63 Message of Holy Assembly 1109

56 6/9/62 Minutes of Holy Assembly re Letter of Dionisije 1113

PAGE

PLAINTIFFS' EXHIBIT No.

57 6/14/62 Minutes of Holy Assembly re Report of Dionisije 1115

58 5/25/62 Letter of Dionisije to Holy Assembly 1118

59 9/3/63 Letter of Synod to Dionisije re Church-Peoples' Assembly 1120

61 5/20/55 Letter of Synod to Dionisije re Appointment of Firmilian as Deputy 1122

67 7/13/66 Letter of Patriarchate of Moscow to Serbian Patriarch re Letter of Dionisije 1123

67A 7/13/66 Letter of Patriarchate of Moscow to Dionisije 1124

67G 3/2/66 Letter of Dionisije to Russian Patriarch 1125

67H 7/13/66 Letter of Patriarchate of Moscow to Dionisije 1134

68 1957 Constitution of Serbian Orthodox Church ..1136

69 1961 Penal Code of Serbian Orthodox Church 1243

71 6/3/63 Letter to Synod from Dionisije re 5/10/63 Decisions of Hierarchy 1271

72 6/12/62 Minutes of Holy Assembly re Proposal of Dionisije 1278

73 6/12/62 Minutes of Holy Assembly re Appointment of Damaskin Delegation 1279

74 5/25/63 Circular Letter of Dionisije re 5/10/63 Decisions of Hierarchy 1281

75 6/6/63 Letter of Dionisije to Plenum re 5/10/63 Decisions of Hierarchy 1289

PAGE

PLAINTIFFS' EXHIBIT No.

76 6/3/63 Circular Letter of Dionisije re 5/10/63 Decisions of Hierarchy 1291

77 6/12/63 Proclamation of Dionisije re 5/10/63 Decisions of Hierarchy 1300

78 Vidovdan, 1963 Proclamation of Dionisije re Investigating Commission 1311

79 Vidovdan, 1963 Proclamation of Dionisije 1313

80 6/7/63 Letter of Dionisije to Firmilian re Removal of Firmilian as Deputy 1321

81 6/7/63 Letter of Dionisije to Mijatovich and Djurich re their Removal from Diocesan Council 1323

82 7/5/63 Minutes of Investigating Commission Meeting with Dionisije 1324

84 Dionisije's Book "Violations" (1965) (Excerpts: Resolutions of Diocesan Assemblies of 1948, 1952, 1956, 1960) 1325

84B 6/3/63 Letter of Dionisije to Synod 1346

84I 2/13/62 Report of Dionisije to Holy Synod re Diocesan Delegation 1353

84L 6/13/63 Letter of Holy Synod to Dionisije re Investigating Commission 1355

84S 11/18/63 Letter of Dionisije to Holy Synod re Indictment 1356

84T 11/18/63 Power of Authorization Executed by Dionisije 1358

PAGE

PLAINTIFFS'
EXHIBIT No.

84Q 7/29/63 Letter from Patriarch to Dionisije re Removal of Dionisije 1359

84W 1/25/64 Letter of Dionisije to Holy Synod re Indictment 1360

84X 11/14/63 Decision of 10th Church-National Asembly re Autonomy of Diocese 1365

84CC Nov. 1963 Proclamation of 10th Church-National Assembly 1369

85 4/17/63 Report of Diocesan Executive Board re Unity with Church in Yugoslavia 1375

86 5/9/63 Resolution of Clergy Association re Unity with Church in Yugoslavia 1378

87 6/7/63 Letter of Dionisije to Brkich Removing Brkich as Episcopal Vicar 1382

88 7/15/63 Proclamation of Dionisije 1383

91 Certificate of Incorporation of Serbian Eastern Orthodox Diocese Council (1927) 1394

92 Certificate of Incorporation of Illinois Religious Corporation (1935) 1399

93 Certificate of Incorporation of New York Religious Corporation (1942) 1403

96 3/22/65 Decision of Diocesan Ecclesiastical Court re Non-followers of Dionisije 1404

98 9/3/68 Letter of Dionisije to Attorney for Dushan Shukletovich re Pension 1407

101 4/6/61 Letter of Dionisije to Doushan Shouletovich re Pension 1408

PAGE

PLAINTIFFS'
EXHIBIT No.

106 6/6/63 Minutes of Diocesan Plenum re 5/10/63 Decision of Hierarchy 1409

108 1962 Articles of Incorporation of California Religious Corporation 1418

109 2/11/64 Decision of Diocesan Court re Use of Cemetery 1424

113A 11/4/63 Letter of Dionisije to Vladimir Mrvichin, Dismissing Mrvichin as Vicar 1425

115 11/23/62 Minutes of Diocesan Executive Board ..1426

117 6/30/62 Letter of Dionisije to Clergy re Church Unity 1439

120 5/30/63 Letter of Dionisije to Firmilian re 5/10/63 Decisions of Hierarchy 1440

121 1963 Letter of Firmilian to Uros Seferovic re Sabor 1442

123A 6/29/63 Letter of Dionisije to Simeon Grozdanovich re Reception of Investigating Commission 1443

126 6/13/63 Letter of Holy Synod to Firmilian 1444

128 10/18/63 Letter of Holy Synod to Firmilian re Effect of Reorganization 1446

129 Certificate of Incorporation of Monastery Corporation (1945) 1447

130 2/4/24 Deed to Mardary 1450

131 11/9/27 Deed from Mardary to Diocese Council 1452

PAGE

PLAINTIFFS' EXHIBIT No.

132 9/4/41 Deed from Diocese Council to Illinois Religious Corporation 1457

136 4/12/45 Deed from Illinois Religious Corporation to Monastery Corporation 1459

150 4/22/69 Deed from Illinois Religious Corporation to Pennsylvania Religious Corp. 1463

151A 7/24/63 Resolution of Diocesan Executive Committee re Actions of New Bishops 1466

152 6/12/63 Letter of Diocesan Plenum to Clergy re Church National Assembly 1474

154 By-laws of Diocesan Pension Fund (effective 1/1/53) 1477

195A 1/24/63 Report of Investigating Commission 1482

197A 8/10/63 Report of Investigating Commission 1535

217 Testimony of Dionisije in *Rumanian Episcopate* v. *Trutza* (1953) 1544

223 4/15/57 Letter of Dionisije to Clergy re Suspension of Antonije Abramovich 1556

229 11/14/63 Resolution of Diocesan Council to Amend Diocesan Constitution 1558

PAGE

DEFENDANTS' EXHIBITS

DEFENDANTS' EXHIBIT No.

29 Confirmation of Dionisije as Bishop of American Diocese by King Peter 1570

29C Confirmation of Dionisije as Vicar Bishop by King Peter 1572

30 1913 Minutes of Serbian Orthodox Priests' & People's Convention 1573

31 1916 Minutes of Serbian Orthodox Priests' Assembly 1588

32 1917 Release of Father Mardary by Synod 1598

33 1917 Call to American Serbs to Organize as Independent Serbian Diocese 1598

35 1923 Notice to American Serbs of Mardary's Election as Administrator 1600

36 1922 Letter to Mardary from Bishop Nikolaj re Duties as Administrator 1601

37 2/21/23 Minutes of Serbian-American Priests Conference 1602

49 7/21/27 Call for Church National Assembly 1605

51 Portions of the 1928 Constitution of Serbian Eastern Orthodox Diocese for the United States of America & Canada 1607

61 11/27/62 Unsigned Charges against Dionisije 1612

64 4/25/26 Order of King Appointing Mardary Bishop of American-Canadian Diocese 1620

PAGE

DEFENDANTS' EXHIBIT No.

77 6/25/38 Letter of Patriarchate to Diocesan Court re Release of Irinej as Administrator and Election of Damaskin as Bishop 1622

78 6/23/36 Letter of Patriarchate to Diocesan Court re Appointment of Irinej as Administrator 1623

81 Sept. 1960, Resolution of the IXth Diocesan Church-Peoples Assembly 1624

99 11/7/46 Decision of Holy Synod re Appeal of Nikola Drenovac from Diocesan Judgment 1626

101 11/7/46 Decision of Holy Synod re Appeal of Strahinja Maletich from Diocesan Judgment 1629

113 5/3/50 Decision of Holy Synod re Appeal of Vojislav Gacinovich from Diocesan Judgment ..1632

116 8/16/62 Letter of Damaskin to Dionisije re Delegation 1634

142 4/20/62 Letter of Synod to Dionisije re Meeting of Holy Assembly 1634

143 3/2/62 Letter of Synod to Dionisije re Meeting of Holy Assembly 1635

145 3/27/62 Letter of Synod to Dionisije re Diocesan Delegation 1636

149 5/17/63 Letter of Synod to Dionisije re Reorganization of Diocese 1637

150 7/11/63 Letter of Dionisije to Synod re Investigating Commission 1640

151 7/13/63 Letter of Dionisije to Investigating Commission 1645

PAGE

PLAINTIFFS' EXHIBIT No.

152 7/20/63 Report of Investigation Commission to Holy Synod 1646

193 5/11/63 Minutes of Holy Assembly of Bishops re Election of Lastavica as Bishop 1650

194 5/17/63 Minutes of Holy Synod of Bishops re Reorganization of Diocese 1656

198 6/10/63 Minutes of Meeting in St. Sava Church, Pittsburgh, Pa. 1661

218 12/23/62 Letter of Dionisije to Synod re Visit of Delegation 1674

220 10/1/45 Article from Serbian Orthodox Church Herald 1695

221 9/4/41 Consent of Dionisije to Transfer of Land from Diocese Council to Illinois Religious Corporation 1698

240 August 1963 Proclamation of 10th Church National Assembly 1703

241 8/10/63 Report of Investigating Commission 1719

243 12/10/63 Minutes of Holy Synod 1727

249 7/27/63 Minutes of Holy Assembly of Bishops 1735

250 7/26/63 Minutes of Holy Assembly of Bishops 1746

254 3/5/64 Minutes of Holy Assembly re Defrockment of Dionisije 1754

255 9/13/21 Minutes of Holy Assembly of Bishops re Establishment of American Diocese 1762

258 7/5/63 Letter of Dionisije to Hrizostom and Visarion re Visit of Investigating Commission 1765

PAGE

POST-TRIAL MOTIONS
OPINIONS AND ORDERS

Memorandum Decision of Circuit Court 1767

Final Decree (dated April 30, 1973) 1780

Defendants' Motion to Reconsider (filed May 18, 1973) 1792

Plaintiffs' Motion for Possession (filed May 24, 1973) 1797

Order (filed May 30, 1973) 1798

Supersedeas Order (filed July 23, 1973) 1799

Opinion of the Supreme Court of Illinois 1800

In the
Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-292

THE SERBIAN EASTERN ORTHODOX DIOCESE FOR THE UNITED STATES OF AMERICA AND CANADA,
a Religious Body, et al.,

Petitioners,

vs.

DIONISIJE MILIVOJEVICH, et al.,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

PLAINTIFF'S EXHIBIT 92

Certificate Number 95152 PLAINTIFF'S EXHIBIT 92 FOR IDENTIFICATION

STATE OF ILLINOIS
OFFICE OF
THE SECRETARY OF STATE

Amended Complaint Exhibit 4

To all to whom these Presents Shall Come, Greeting:

I, CHARLES F. CARPENTIER, Secretary of State of the State of Illinois, do hereby certify that the following, and hereto attached is a true photostatic copy of the Certificate of Incorporation of SERBIAN EASTERN ORTHODOX DIOCESE FOR UNITED STATES OF AMERICA AND CANADA,

the original of which is now on file and a matter of record in this office.

In Testimony Wherof, I have hereunto set my hand and cause to be affixed the Great Seal of the State of Illinois. Done at the City of Springfield this 15th day of August A.D. 19 63

Charles F. Carpentier
SECRETARY OF STATE

Rec. No. 413546, filed May 15th A.D. 1935 at 11:00 o'clock A.M.

"CERTIFICATE OF INCORPORATION
OF
SERBIAN EASTERN ORTHODOX DIOCESE
FOR UNITED STATES OF AMERICA AND CANADA

STATE OF ILLINOIS)
) ss.
COUNTY OF LAKE)

I, RIGHT REV. BISHOP MARDARY, Bshop of the Serbian Eastern Orthodox Church for the Diocese of United States of America and Canada, and having jurisdiction agreeably to the laws of the Serbian Eastern Orthodox Church over said Diocese, by virtue of his appointment as Bishop of said Diocese by His Holiness, Patriarch Varnava, of Belgrade, Jugo-Slavia, do hereby solemnly affirm that the following persons, namely:

Rev. Z. Restanovich of Libertyville, Illinois.
Mr. M. Radakovich, of Milwaukee, Wisconsin.
Mr. Dushan Silaski, of Akron, Ohio.
Very Rev. Daniel Kozomara, of Clairton, Pa.
Mr. Bozo Martinovich, of Gary, Indiana.
Mr. Disto Nogulich, of Chicago, Illinois.
Rev. George Popovich, of Chisholm, Minnesota.

were nominated and appointed Trustees of the Serbian Eastern Orthodox Church for the Diocese of United States of America and Canada according to the usages, customs and canons of said Serbian Eastern Orthodox Church, by the Right Rev. Bishop Mardary, Bishop of said Serbian Eastern Orthodox Church, under and by virtue of Sections 46a, 46b, 46c, 46d, 46e, 46f, 46g and 46h, of Chapter 32," being an act entitled "An Act Concerning Corporation",

approved April 18, 1872, in force July 1, 1872, and said Church adopted as the corporate name "Serbian Eastern Orthodox Diocese for United States of America and Canada."

Bishop Mardary.

SUBSCRIBED AND SWORN TO before me this 10th day of May, A.D. 1935.

Muriel Varney
Notary Public.

Muriel Varney,
Notary Public,
Lake County, Ill.

STATE OF ILLINOIS)
) SS:
COUNTY OF LAKE)

I, HOWARD L. SCOTT, Recorder of Deeds, in and for said County, in the State aforesaid, DO HEREBY CERTIFY the foregoing to be a true and correct transcript, from the records of my office, of the record of an instrument in writing, which was filed for record on the 15th day of May A.D. 1935 and duly recorded in Book "O" of Articles of Incorporations, on page 584, as Document Number 412544.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Recorder at my office in Waukegan, in said County this 15th day of May A.D. 1935.

(SEAL)

Howard L. Scott
RECORDER.

Filed for record in the office of the Secretary of State of Illinois May 22, 1935, at 10:00 o'clock A.M., and recorded in Book 65, page 27.

EDWARD J. HUGHES,
Sec'y. of State

UNITED STATES OF AMERICA,)
) ss.
STATE OF ILLINOIS,)

OFFICE OF SECRETARY.

I, EDWARD J. HUGHES, Secretary of State of the State of Illinois, do hereby certify that the foregoing CERTIFICATE OF INCORPORATION was filed for record in the office of the Secretary of State of the State of Illinois on the 22 day of May A.D. 1935, at 10:00 o'clock A.M., and duly recorded in Book No. 65 of Railroad Records, at page 27.

IN WITNESS WHEREOF, I hereto set my hand and affix the Great Seal of State, at the City of Springfield, this 23 day of May A.D. 1935.

Edward J. Hughes
Secretary of State.

PLAINTIFFS' EXHIBIT 93

CERTIFICATE OF INCORPORATION
OF
SERBIAN EASTERN ORTHODOX DIOCESE
FOR THE
UNITED STATES OF AMERICA AND CANADA
AN UNINCORPORATED CHRISTIAN ORTHODOX
CATHOLIC CHURCH OF THE EASTERN
CONFESSION, PURSUANT TO ARTICLE 5-B OF
THE RELIGIOUS CORPORATION LAW

WE, the undersigned, being six lay members of the Serbian Eastern Orthodox Diocese for United States of America and Canada, an unincorporated Christian Orthodox Catholic Church of the Eastern Confession, for the purpose of incorporating the same pursuant to Article 5-B of the Religious Corporation Law, and all being persons of full age, at least two-thirds of us being citizens of the United States, and at least one of us being a resident of the State of New York, hereby certify as follows:

FIRST: The corporate name by which such Church shall be known is: Serbian Eastern Orthodox Diocese for United States of America and Canada.

SECOND: The County, town, city or village where its principal place of worship is or is intended to be, is located in the County, City and State of New York.

IN WITNESS WHEREOF we have executed and acknowledged this certificate this 22nd day of December 1942.

/s/ HELEN L. FROTHINGHAM
/s/ VLADIMIR LAZOVICH
/s/ BOZO MARTINOVIC
/s/ MILEN RADAKOVIC
/s/ DUSHAN D. SLIASHKI
/s/ DUSAN B. TRIPP

NEW YORK SEAL
[Micro
Film 0 Page 48498]

PLAINTIFF'S EXHIBIT 96
(SEAL)
SERBIAN EASTERN ORTHODOX DIOCESE
For The United States of America and Canada
SERBIAN ST. SAVA MONASTERY
Libertyville, Ill.

TO ALL CLERBY AND TO ALL CHURCH-SCHOOL COMMUNITIES OF SERBIAN ORTHODOX DIOCESE FOR THE UNITED STATES AND CANADA

The diocesan ecclesiastical court of the Serbian Orthodox Diocese of America and Canada at its meeting held on March 18, 1965, in the diocesan office at Libertyville, Illinois has decided that a call (invitation) should be sent to all clergy of both orders, and to all church-school communities, who have separated themselves from this Diocese, and have joined the imposed Bishop—to return under the wing of their old and only Diocese of America and Canada.

This call is made in the spirit of the 17th rule of the Fourth Ecumenical Council of Halkidonu; the 6th rule of the First Ecumenical Council; 120th rule of the Eighth Council at Carthege, relative to Article 3 of our Diocesan Constitution.

Lake County Court of Illinois, at Waukegan, in its final judgment of December 31, 1964, is stating: "The Constitution of American-Canadian Diocese is fully valid legal document, received, accepted and recognized as the fundamental law of the Diocese during 36 years, not only on the part of members of Serbian Orthodox Church in U.S.A. and Canada, but also on the part of the Holy Synod and the Holy Council of Bishops of the Serbian Orthodox Church in Belgrade. On May 10th, 1963, the Holy Council of Bishops of Belgrade has brought a resolution about creating Midwestern American Diocese, Western American Diocese, Middle Eastern American-Canadian Diocese, completely passing over clear provisions of the Constitution of the American-Canadian Diocese, which prescribes that changes and supplements of the Constitution are made exclusively at the Diocesan Church Lay Sabors. When the Holy Council of Bishops in Belgrade have roughly stepped over the Diocesan Constitution, its (Holy Council's) Jurisdiction has stopped to exist. . . . The Court has settled that the Diocese, from its foundation, up until May 10, 1963, has autonomously, according to its Constitution, performed all its Diocesan activities, regarding: Church, school and other institutions, of all funds and property, without any interference on the part of the Hierarchy in Belgrade."

This decision of Diocesan ecclesiastical court has been accepted by the diocesan Executive board, on March 20, 1965, and together once more call upon all clergymen and church-school communities, which have without knowledge or permission of the Bishop and diocesan authorities, sepa-

rated from this Diocese and joined the three imposed Bishops,—to return under the wing of their Diocese, to recognize the Diocesan Constitution and be led by the same in their life and work, so that they can be in our unity and enjoy all rights which is given to them by the Constitution of our Diocese. The three so-called new Diocese are not registered nor recognized by the American authorities.

The clergy of both orders are warned as are all church-school communities, to continue sending their monetary obligations to the Diocese and Diocesan pension funds, so that they can use benefits, which will result therefrom.

All Church-School communities are notified that, according to our suggestion and according to newest decision of the American Secretary of Treasury of March 3, 1965, T:R.EO-S-OCS—All church-school communities—which are under jurisdiction of this Diocese are freed from government taxation.

Those, who disregard this call shall suffer the legal consequences.

The time to return under the wing of the Diocese, is one month and a half from the day of reception of this *Decision.*
March 22, 1965.

Archimandrite Diuibrije
Secretary of the Ecclesiastical
Court and the Executive Board.

PLAINTIFFS' EXHIBIT 98

SERBIAN EASTERN ORTHODOX DIOCESE
FOR THE UNITED STATES OF AMERICA
AND CANADA
SERBIAN ST. SAVA MONASTERY
LIBERTYVILLE, ILL. U.S.A.

September 3, 1968

Mr. Nick L.H. Elchinoff
Attorney At Law
1720 El Camino Real
BURLINGAME, CALIF. 94010

Dear Sir:

We received Your letter of July 23rd, 1968, addressed to our Diocese as well as to my own attention, in regard of the requirement of pension of Very Rev. Dushan Shukletovich.

I am sorry to inform You that Very Rev. Dushan Shukletovich lost his right to receive pension from our Diocesan Pension Fund according our Pension Fund By-Laws which were confirmed by the Holy Synod of Belgrade, since he passes to another Diocese and accepted to be a parish priest of it. Moreover he was warned to continue his annual payments to our Pension Fund which he neglected.

Enclosed is our warning letter which You could hand to him and he might translate it in English for You.

I thank You
Yours truly
(signed) Rt.Rev. Bishop Dionisije

PLAINTIFFS' EXHIBIT 101

SERBIAN EASTERN ORTHODOX DIOCESE
for the United States of America and Canada
Serbian St. Sava Monastery
Libertyville, Ill.
U.S.A.

April 6, 1961.

To The Very Reverend Archpriest
Fr. Doushan Shoukletovich,
San Diego, California.

On basis of the petition of the Very Reverend Archpriest-Stvarophor, Fr. Doushan Shoukletovich, a member of the Diocesan Court and pastor in Gary, Indiana; and at the recommendation and opinion of the Very Reverend Archpriest, Fr. Branko Kusonjich, a member of the Ecclesiastical Court and in charge of the Pension Fund; and on basis of the Decision of the Diocesan Ecclesiastical Court of January 17, 1961, under point 3, and within the intent of paragraphs 6, 7 and 10 of the Regulations of the Pension Fund for the Clergy of the Serbian Orthodox American-Canadian Diocese, herewith we make the

DECISION

that the Very Reverend Archpriest Stavrophar Fr. Doushan Shoukletovich is hereby pensioned, and that starting with January 1st, 1961, he be paid a monthly pension from the Pension Fund in the amount of $38.00. The copy of this DECISION is forwarded to the Very Reverend Fr. Branko Kusonjich, so that, on the strength of this Decision, Fr. Shoukletovich be paid the unpaid pension so far, and that from now on in the future he be paid his pension regularly on time each month.

With blessing,
American-Canadian Bishop
(signed) Dionisije.

PLAINTIFF'S EXHIBIT 106

TRANSLATION

Minutes

Of the DIOCESAN PLENUM of the Serbian Orthodox Diocese for America and Canada held in St. Sava Monastery, Libertyville, Illinois JUNE 6, 1963.

PRESENT: His Grace the American-Canadian Bishop Dionisije, Archimandrites Firmilian Ocokoljich, Dimitrije Balach, Irinej Kovacevich, Svetozar Maravich, Dr. Urosh Seferovich, Nikola Stepanovich, Archpriests: Milan Brkich, Vladimir Mrvichin, Djuro Vukelich, Jovan Marcetich, Miodrag Mijatovich, Miodrag Djurich, Abbot Mitrofan Kresojevich, Priests: Velimir Kovacevich, Alexender Dimitrijevich. Members: Ilija Bulatovich, Milosh Vidakovich, Bob Vujovich, Milan Drobac, Pane Jerich, Punisha Kralj, Milosh Konjevich, Rade Kordich, Borivoje Lukich, Bogoljub Markovich, Radoljub Milojkovich, Jovo Pavich, Luka Pecel, Todor Polich, Milan Radakovich, Dr. Djuro Radojevich, Vaso Ranich, Jovan Tesanovich, Trisha Simich, Miodrag Cvetkovich, Nikola Cabraja, Archpriest Pavlovich sent his proxy to be represented by Proto Mrvichin and Obren Cuckovich gave his proxy to Todor Polich.

His Grace the American-Canadian Bishop Dionisije opened the meeting with a prayer at 10:30 A.M. and informed the plenum of the reason for the summoning of this meeting.—

—which by his authorization was called by the Vice presidents of the Diocesan Council, Steven Maravich, Dr. Seferovich, the Secretary of the Diocese, Archimandrite Dimitrije Balach and the legal advisor, Nikola Stepanovich.

The decisions of the Holy Synod and the Assembly of bishops of May 10 of this year were read in which they announce that His Grace Bishop Dionisije was suspended from the duties as bishop of some Mid-Western American Diocese; that he is placed under suspension of all priestly functions until final judgment, that Archimandrite Firmilian is appointed as Administrator of the Diocese and finally, that the American-Canadian Diocese is dissolved and in its place three new ones were organized and that for one Archpriest Stevan Lastavica is elected as bishop, well for the other two, the Messers Firmilian and Udicki were appointed as administrators. The names of these new dioceses are: The Eastern-American and Canadian, the Mid-West American and the Western-American. This means: the old Diocese was dissolved, the old bishop dissolved, three new dioceses established, a new bishop Lastavica elected, and two administrators appointed for the other two dioceses. The number of these Synodal decisions are: #1725 and #1726 of May 10 of this year. The question is: whether the Diocesan plenum accepts this considering that this American-Canadian Diocese nor any one of its bodies was not consulted in these decisions of the Assembly and Synod. His Grace emphasized that he carried out the decision of the Diocesan Church National Assembly of 1956 and 1960 i.e., he made the corresponding proposals, however, this is not related to the proposals of our two Assemblies but rather even changed in the opposite direction, contrary!

His Grace Bishop Dionisije then called upon brother Stevan Maravich to preside further over the meeting. Brother Maravich, the first Vice-president declines the honor, expresses his satisfaction that there are so many of us gathered here at the meeting. Mr. Maravich states that the meeting is very important, and a great task to

resolve, and he recommends that the Second Vice-president, Dr. Urosh Seferovich preside over the same because of the importance of the language in which the meeting will be conducted. He says that Dr. Seferovich will conduct it easier.

Dr. Urosh Seferovich accepts to preside over this meeting since the legal counselor, Attorney Nikola Stepanovich had established that the meeting was properly summoned, that is has a quorum, thirty-six members, with two proxies —38 members. (See Article #138 of the Constitution of our Diocese). Dr. Seferovich cautioned all the members of the plenum of the fateful significance of the decisions of today's plenum and therefore recommends the discussion be conducted calmly and reasonably having in mind the unity the good, and the fate of our church outside the borders and our Serbian people in the USA and Canada and even the whole free world. He calls upon the members of the plenum to express their opinions concerning these difficult questions and even more difficult solutions from Belgrade of the Holy Assembly and Synod of Bishops.

(For the sake of the record—we are having pains to remove from the meeting the uninvited and boring priest, Velimir Petakovich. He does not want to leave the hall, he says no one has the right to order him out, except only his new bishop, Firmilian. Messer Firmilian recommends to him that he go outside but he continues to hesitate and provoke, wanting us to throw him out by police. Finally, he left the hall.)

Almost all members of the plenum take part in the discussions. The best solution is being sought. It is the opinion that the plenum cannot accept these decisions but rather our next Tenth Diocesan Church National Assembly.

Archimandrite Firmilian reads the letter which he received from the Holy Synod of bishops, he states that he did not seek this, and that the Mother Church so ordered and he must comply with the order of the Holy Synod and the Assembly of Bishops. Therefore he seeks from His Grace Bishop Dionisije that he immediately surrender to him the duties of bishop, the archives, the monastery and everything which he is "entitled" to. He seeks from us members of the plenum to exert influence upon His Grace Bishop Dionisije that he surrender the duty and to help him in the new and responsible duties of administrator of the diocese and as the diocesan plenum to peacefully accept the decisions of Belgrade, which are under discussion.

Archimandrite Dimitrije Balach, secretary of the Diocese speaks and beseeches Bishop Dionisije not to surrender the duties because that conflicts with Article #111 of the Constitution of the Serbian Orthodox Church.

Dr. Djuro Radojevich emphasizes that His Grace Bishop Dionisije has not been investigated, has not been given a hearing, has not been given a trial, has not been judged—in the usual manner as the Constitution and General rule require, and he thinks that the Bishop should remain at his duties, until the gathering of our Diocesan Assembly which has the right to render changes and ammendments to our Constitution and which alone is competent to accept or reject the decisions concerning the division of our diocese and the suspension of the bishop without a trial and judgment.

Archpriest Milan Brkich seeks that Bishop Dionisije submit to the decisions of Belgrade emphasizing that the Diocesan National Church Assembly cannot help him in any way because the bishop is elected and appointed by the Holy Assembly of bishops and not the people, and therefore the people cannot judge him but only the bishops.

The priest Aca Dimitrijevich agrees with Dr. Radojevich and Archimandrite Balach and appeals to Bishop Dionisije not to surrender the duty, emphasizing that he is a great anti-communistic fighter, and that this "trap" was set for him in Belgrade. Father Dimitrijevich further explains how the Synodal "proclamation" of the concerned mother arrived to all and everyone, and to unknown grannies in the colonies, but Bishop Dionisije was not informed of this on time. Not only that he wasn't judged, but wasn't even given a hearing but the judgment decree is read by grandmothers in their homes who wonder about this which happened all at once among us! He stated that he had an opportunity to live under Communism in Yugoslavia, of his difficult life, how religion was thrown out of the schools, the teaching of St. Sava thrown out, how the OZNA elects the patriarchs and emphasizes that he remains as an anti-communist fighter and remains together with His Grace Bishop Dionisije.

Todor Polich states that today's meeting cannot resolve this question cannot accept the decisions, concerning the division of the Diocese, but that the Church National Assembly is competent for this so let the Assembly resolve it. Punisha Kralj and many others agree with him, who desire the unity of this diocese.

Jovan Tesanovich thinks that it is time to turn over the administration of the diocese of Messer Firmilian and let him lead it as he can and let us help him.

(During the time when the Archipriest Djuro Vukelich spoke, Archmandrite Firmilian reacted sharply and exclaimed running towards him so that it appeared as if he were going to hit him. Archpriest Vukelich says that he was speaking officially and believes that he didn't insult Firmilian in any way).

His Grace Bishop Dionisije said that he does not feel guilty in anything: that he cannot agree with the dissolu-

tion of the American-Canadian Diocese, does not recognize the same, or does he recognize the establishing of three new ones nor their administrators, all up until the meeting of our Church National Assembly.

The legal counselor Nikola Stepanovich also spoke in the spirit and agrees that this is a political act. Mr. Svetozar Maravich agrees with Mr. Stepanovich and he is of the opinion that it be left to the competence of our Church Assembly.

Attorney Milan Drobac reads some excerpt from some law and states that his state of Wisconsin recognizes the Patriarchate and therefore all the decisions from the Patriarchate. In support of this opinion, Archpriest Brkich also speaks.

Archpriest Mrvichin says that there are distinctions in the consequences of our decisions today; nothing will happen to the civilians nor can any one do them harm, but for us who are in priestly orders, if we vote against there will be great harm because we could lose our service and positions and even could be defrocked!

Milosh Vidakovich reminds us of the sorrowful days from the Concordat struggle in Jugoslavia. The Church then was victories over the party and the regime's politics and recommends to Bishop Dionisije to continue this work and considers that we also will conquer the politics of Tito's religious Commission even if we have to cut ties with the Patriarchate, which is under Communist slavery.

Attorney Nikola Stepanovich adds that the administrators not be recognized.

Todor Polich moves that all this be left for decision to our next Church National Assembly. In order for all this to be resolved as soon as possible, he moves that the Assembly to be held earlier then was scheduled. Archpriest Brkich seconds the motion. It was unanimously decided:

that the Assembly be held on August 6, 7, 8 and 9 of 1963 at St. Sava Monastery in Libertyville. Jovo Pavich also seconds this motion.

Archpriest Milan Brkich speaks about how the right of vote should be taken away at the Assembly from: The SNF, SND, SSF and the KSS federation. The plenum reject this, because that is the right of the Assembly to say who has the right and who doesn't. Archimandrite Firmilian stands and declares that he expected the full cooperation of Bishop Dionisije and that he would turn over the duties in a peaceful manner. Since Bishop Dionisije did not do this, then he, Firmilian does not consider Bishop Dionisije as his competent bishop any longer because he does not submit to the highest body of the Serbian Orthodox Church which gave him the rank and position of bishop. (Firmilian leaves the hall remarking to the plenum "you are responsible for this kind of decision, you will be sorry," Leaving with Firmilian were the archpriests: Mijatovich, Brkich, Djurich, with the remarks that they are no longer members of the Diocesan Council and will not come again to a meeting. Somebody told them: write your resignations!)

The priest Alexender Dimitrijevich moves that a letter or telegram be sent to the Holy Synod of Bishops and to seek a special permission which would investigate the charges against our Bishop Dionisije. The Commission should come at the expense of the accusers. The results of the works of the Commission should be rendered prior to the Assembly. Brother Konjevich seconds the motion. The Plenum adopted this with two opposing votes (M.V. and M.D.).

Upon the request of some members, the text of both decisions should read as follows: "The Plenum of the Serbian Orthodox American-Canadian Diocese declares that this plenum is not competent either to accept or reject the question of the division of the American-Canadian Diocese into three dioceses and because of this, the entire matter will be transmitted to the Church-National Assembly, which because of the emergency of the case is summoned for the 6, 7, 8, and 9 of August of this year in St. Sava Monastery in Libertyville, in the place of the earlier scheduled one of the 14th, 15th and 16th of October and in accordance with the rules and conclusions of the last Church-National Assembly in Sept., 1960. This decision was unanimously adopted."

2. "Upon the motion of priest Alexander Dimitrijevich, seconded by Milosh Konjevich, it was decided to send a letter to the Holy Synod of Bishops with the warmest request that they send as soon as possible a Synodal investigating commission, at the expense of the accusers, which would and conclude the question of charges against our Bishop Dionisije since in accordance with the above decision, no changes in the administration of this diocese can be made until the decision of the scheduled Church National Assembly. This point is accepted by all present, except two who didn't vote against."

After this Bishop Dionisije said that his Majesty King Peter II will visit the monastery on July 4th of this year and asked the Plenum how we should welcome him? Decision: To show H.M. all honors which belong to him To entrust safety measures to the local police to brother Djoko Marich, the Club Karageorge, while in behalf of

the Diocese, the head should be Micho Djordjevich who is "a deputy Sheriff" anyway and who lives near the monastery. Because of the great mass of people, a banquet cannot be held as it should be, therefore let there be a dinner for the king in the episcopal residence, and the king will participate in the program in the park.

With this the agenda was exhausted and the meeting was closed with prayer at 7:00 P.M.

P.S. There was a discussion about the consecration of the new church in Cleveland. His Grace appointed Archimandrite Dimitrije Balach, secretary of the Diocese to perform the so-called "priestly consecration of the Church" in his name. The president of the Church-School Congregation Trisha Simich didn't say anything. Svetozar Maravich is to represent the Diocesan Council, if he can go.

president
/s/ *Bishop Dionisije*

/s/ *Arch. Dimitrije*
Secretary: Archimandrite Dimitrije

PLAINTIFFS' EXHIBIT 108

(Photocopy certification omitted)

FILED July 2, 1962

ARTICLES OF INCORPORATION OF ST. SAVA CHURCH AND EDUCATIONAL MISSION OF THE SERBIAN ORTHODOX DIOCESE FOR THE UNITED STATES OF AMERICA AND CANADA

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, do hereby voluntarily associate ourselves together for the purposes of forming a non-profit corporation under Part One, Division Two of Title One of the California Corporation Code.

WE HEREBY CERTIFY AND DECLARE:

ARTICLE I

That the name of the said non-profit corporation is and shall be:

ST. SAVA CHURCH AND EDUCATIONAL MISSION OF THE SERBIAN EASTERN ORTHODOX DIOCESE FOR THE UNITED STATES OF AMERICA AND CANADA

ARTICLE II

That the purposes for which this corporation is formed are as follows:

A. The specific and primary purposes are:

1. To conduct, maintain and operate charitable, educational and religious facilities for members or adherents of the Serbian Eastern Orthodox faith, and others;

2. To promote and maintain activities commensurate and consistent with the ideals and teachings of the Serbian Eastern Orthodox faith; and shall be in such matters under the direction of the Serbian Orthodox Diocese of the United States and Canada;

3. To operate and maintain a summer church camp for children;

4. To operate and maintain a school for religious and educational purposes;

5. To operate and maintain a home for the aged.

6. To operate and maintain a home for orphaned children.

7. To provide and operate monastic facilities.

8. To provide and operate facilities for recreation and Christian fellowship.

B. The other and subordinate purposes are:

1. To organize a mission and generally to do all acts and things necessary or convenient to conduct and carry on the purposes for which the said ST. SAVA CHURCH AND EDUCATIONAL MISSION OF THE SERBIAN EASTERN ORTHODOX DIOCESE FOR THE UNITED STATES OF AMERICA AND CANADA is organized, and to that end to lease, buy, sell, exchange and possess real or personal property, and mortgage, lease or hypothecate real or personal property, to enter into contracts of all kinds with its members and other persons, and to collect

fees, dues, donations of money, or any other real or personal property for the purpose of creating a fund to carry out the above objects, in accord with its By-Laws.

2. To exercise all of the powers provided for such corporations under the corporation laws of the State of California.

3. To do generally every and all things and acts that shall be deemed necessary, convenient, and useful for carrying out and accomplishing the business, objects and purposes of this corporation.

4. To engage in and support the creation of scholarship funds, and to provide reasonable rules and regulations for participation in and to such funds, as well as the methods of raising such funds.

ARTICLE III

That this corporation is not authorized to issue shares of stock and is a corporation which is not formed with a view to and which does not contemplate pecuniary gain or profit to the members thereof.

The property of this corporation is hereby irrevocably dedicated to charitable, educational and religious purposes and upon the liquidation, dissolution or abandonment of this corporation will not inure to the benefit of any private person except a fund, foundation or corporation organized and operated for charitable, educational and religious purposes.

ARTICLE IV

That the principal office for the transaction of business of the corporation is to be located in the County of Amador, State of California.

ARTICLE V

That the number of directors of this corporation shall be determined by the by-laws of this corporation.

That the names and addresses of the persons who are to act in the capacity of directors until the selection of their successors are as follows:

Names	*Addresses*
Rt. Rev. Bishop Dionisije,	St. Sava Monastery Libertyville, Illinois
Theodore P. Polich	770 Chaucer San Marino, California
V. Rev. Vladimir M. Mrvichin	2511 W. Garvey Ave. Alhambra, California
Luka Pecel	13043 Addison St. Sherman Oaks, California
Obren Cuckovich	312 Wayne Ave. Oakland, California
Sam Bogdanovich	2978 E. Robinson Ave. Fresno, California
V. Rev. Borivoj Pavlovich	630 E. 21st St. Oakland, California
V. Rev. Irinej Kovacevich	Post Office Box 1184 Jackson, California

ARTICLE VI

That by-laws for the government of this corporation may be adopted, amended or repealed in accordance with Diocese regulations, and the provisions of the by-laws of this corporation with respect to the changes and amendments thereof.

ARTICLE VII

That unless and until otherwise provided by the by-laws this corporation shall have no members, as such, other than the persons constituting its Board of Directors, and such persons, so constituting such Board of Directors, for the purpose of any statutory provision or rule of law re-

lating to non-profit corporations, shall be taken to be the member of this corporation and shall exercise all the rights and powers of members thereof. Upon the adoption of any by-law inconsistent in any respect with this Article Seventh, in all respects wherein such by-law is in conflict with the provisions of this Article Seventh such by-law shall prevail.

IN WITNESS WHEREOF, for the purpose of forming this non-profit corporation under the laws of the State of California, we, the undersigned, constituting the incorporators of this corporation, including the persons named hereinabove as the members of the first board of Directors, have executed these Articles of Incorporation this 21st day of May, 1962.

(signed) Rt. Rev. Bishop Dionisije
(signed) Theodore P. Polich
(signed) V. Rev. Vladimir M. Mrvichin
(signed) Luka Pecel
(signed) Obren Cuckovich
(signed) Sam Bogdanovich
(signed) V. Rev. Borivoj Pavlovich
(signed) V. Rev. Irinej Kovacevich

(notarization omitted)

State of California
FRANCHISE TAX BOARD
June 20, 1962

St. Sava Church and Educational Mission of
The Serbian Eastern Orthodox Diocese for
The United States of America and Canada
c/o St. Sava Mission
P.O. Box 1453
Jackson, California

Re: Exemption from Franchise Tax

Gentlemen:

It is the opinion of this office, based upon the evidence presented, that you are exempt from State franchise tax under the provisions of Section 23701d of the Revenue and Taxation Code, as it is shown that you are organized and operated exclusively as a religious organization.

Accordingly, you will not be required to file franchise tax returns unless you change the character of your organization, the purposes for which you were organized, or your method of operation. You are required to report any such changes immediately so that their effect on your exempt status may be determined.

Contributions made to you are deductible by the donors in arriving at their taxable net income in the manner and to the extent provided by Sections 17214, 17215, 1,216 and 24357 of the Revenue and Taxation Code.

If your organization is not yet incorporated and has not yet qualified to do business in California, this approval will expire unless incorporation or qualification is completed within thirty days.

Very truly yours,
FRANCHISE TAX BOARD
John J. Campbell
Executive Officer
By James T. Philbin (signed)
Associate Tax Counsel

JTP:ef
cc: Secretary of State
D*

PLAINTIFFS' EXHIBIT 109

ECCLESIASTIC COURT
OF THE SERBIAN ORTHODOX DIOCESE IN THE U.S.A. AND CANADA

Serbian Monastery of St. Sava, Libertyville, Illinois.

Regarding the Serbian priests which may not enter the Cemetery of the Serbian Orthodox Monastery of St. Sava in Libertyville, Illinois, of the Monastery Church and Monastery ground

The Ecclesiastic Court of this Diocese on its session of Febr. 11th, 1964, issued this:

"DECISION

Whereas the Founder of the Serbian Monastery of St. Sava, The Rt. Rev. Bishop Mardary has established beside the Church building a Cemetery for the Serbs, for those who are accepting Serbian customs and traditions and orthodoxy, for those from mixed marriages;

Whereas the Founder of the Monastery on the Church National Assembly of 1927 has declared, that he established the cemetery for the above purpose and Monastery itself to be a church, national and cultural center of the American Serbs including the celebration of the AMERICAN MEMORIAL DAY, FOURTH OF JULY and LABOR DAY;

Whereas some of our priests deserted the Serbian principle: 'For sacred Cross and golden Liberty' by accepting orders from the present Yugoslavia where our Serbian Church is enslaved by the communistic regime of Tito IT HAS BEEN RESOLVED:

ALL THESE PRIESTS ACCEPTING ORDERS, DECISIONS AND DIRECTIVES OF BELGRADE, ESPECIALLY THE DIVISION OF OUR DIOCESE AND OTHERS, ARE FORBIDDEN TO ENTER THE MONASTERY CHURCH, MONASTERY CEMETERY OR

MONASTERY GROUND FOR ANY CHURCH SERVICE WHICHSOEVER IT MAY BE.

This decision does not restrain any Serb to be buried in the Serbian St. Sava Monastery Cemetery. The monastery brotherhood will be always at their service."

(signed)
Very Rev. Archmandrite D. Balach
Secretary of the Ecclesiastic Court.

(Seal)

PLAINTIFFS' EXHIBIT 113A

Serbian Eastern Orthodox Diocese for U.S. of America and Canada
Serbian St. Sava Monastery
Libertyville, Ill.

August 4, 1963

Highly Honorable Protopresbyter
Vladimir Mrvichin, Vicar-General for California
Alhambra, Calif.

Highly Honorable Father Protopresbyter:

With this we inform you that you are dismissed from further duty of our Vicar-General for the West. We forbid you to use the name of our Diocese and the title of Vicar-General in the future.

At the same time we inform you that you are no longer our representative in the Committee for the Mission of Saint Sava, and therefore you cannot be present at any meetings of that Committee, or summon meetings of the Vicariate Committee.

We beg you to send us by return mail those things which we sent you in private.

All Church-School Congregations and clergy of your former Vicariate have been informed of our decision.

Serbian Orthodox
American-Canadian Bishop
(Signed) +Dionisije

PLAINTIFF'S EXHIBIT 115

MINUTES

OF THE DIOCESAN EXECUTIVE BOARD
HELD IN THE MONASTERY OF ST. SAVA
IN LIBERTYVILLE, ILLINOIS, NOVEMBER 23, 1962.

Present:

His Grace American Canadiana Bishop, Dionisije
Archimandrite Firmilian
Bishop Surogate
Svetodar Maravich, Vice President
Doctor Uros Seferovich, V. P.
Archimandrite D. Balach, Secretary
Nich Chibraia, Treasurer
Miograd Cvetkovich, Financial Secretary
Nicholas Stepanovish, Legal Advisor
Dr. George Ratovich
Milos Vivekobich
Milan Drobac
Bob Vuvovich
Proto M. Mijatovich
Proto M. Vjurich
Proto Milan Birkich
Father V. Kovacevich, Alternate for Proto Mrvichin

Present as a guest: Father Alexander Dimitrijevich

Promptly at 11:15 a.m., his Grace the Bishop, opened the meeting with prayer. Present at the meeting at the beginning was the Patriarchal delegation; Metropolitan Domaskin, Bishop Nikanor, and Archdeacon Branislav Petrovich.

His Grace greeted the delegation with the hope that they were well and had enjoyed their visit with us for these two and a half months. He declared the wish of the Diocesan Board to know whether the delegation was satisfied in its travels and its hospitality shown. He reminded

the Board how it had came to that, that the Patriarch, that is, the Synod sent the delegation, and this in conjunction with earlier requests and motions, that in the main three matters be disposed of.

a. The matter of the constitution of the Metopolia.
b. The matter of the selection of Vicar Bishops.
c. The matter of the Diaspora, the church outside the United States and Canada.

His Grace, Metropolitan Damaskin, gave his report in behalf of the delegation, which in the main is as follows; "We are joyful that to us has been given another opportunity to greet you, just as in September when we came. You, together with the Bishop, as hosts have the right to ask us as the guests how we feel. To God and all Serbian Saints be praised. We are well and satisfied and very much satisfied. There were many who spoke with misgivings of our coming, but our duty was such that we had to come. It was not easy. A new world, new circumstances, new people, new problems. Thanks to the solicitude of the host, his Grace Dionisije, first of all, our travels were made much easier because he took care of our tickets, the itinerary, quartering in hotels and so helped us much. We had thought that we would be in the monastery, and from the monastery to visit some few colonies in the locality. However, we covered the East, the West and the Middlewest. We feel that this was of great moral value for both us and you. The people greeted us with tears and we, with tears, looked upon our same Serbian people . . . who in this land maintain their Holy faith, their language, Church, and all that is ours. We sincerely are grateful to Bishop Dionisije and to you, the Diocesan Executive Board, for hosting us and making possible this trip.

You know that the Holy Bishop's Assembly decided that a solution was required of the problems in this Diocese.

Because of this, the Holy Bishops' Synod in the Spirit of this decision ordered the three of us to come and to make ourselves acquainted with the conditions and the problems you have, which are, as you know, in the main these three:

a. Matter of the Constitution.
b. Matter of Vicar-Bishops.
c. Matter of the Diaspora

The first week we had the opportunity and enough time to discuss with His Grace Dionisije all of this and we found much understanding and agreement as to how these discussions would take place in order that the necessary material would be gathered up which would be submitted to the Holy Bishops Synod and Assembly. We touched upon the matter of the Macedonian Orthodox Church. Not officially, but only informatively, I may tell you: The Holy Bishops' Assembly did not recognize the Macedonian Church. This is a political matter of the regime and power. The Church here was unable to resist much because this matter was more political than ecclesiastical. We would not wish that the government interfere in our church matters and important internal matters. Because of this, we request of you that you understand when we say the matter of your constitution should not be entered into. The change of your diocesan Constitution would mean a start into the matter of the Constitution of our Church and this we cannot allow, because the end of such *work* cannot be foreseen and we believe that the Church would suffer more harm than benefit from such entering into the Constitution. Yo may bring forth norms, regulations, and decisions just as you wish. for the benefit of this diocese and we shall rejoice and confirm these. However, do not postulate the matter of the Constitution. For example: It is known who selects and appoints a Bishop for a Diocese. This is done by the Holy Bishops' Assembly, the Assembly of Bishops and civilians neither select, nor appoint a Bishop. If we should touch upon the matter of the Constitution and give you the right, as civilians, to select a Bishop, then that right would be sought by those in the old country, civilians, to select and appoint Bishops. And if this should happen, God Forbid," then you know who would select and who would be chosen as a Bishop. But, we, the Church, shall not and must not allow this. In conjunction with this, we desire to add this: Do not discuss and debate internal Church matters publicly in the newspapers. All internal Church matters discuss and debate in private and not in the boulevard. There is the Post, let a courier be sent, but never the newspaper! A Croatian, a Roman Catholic, turns my attention to and was hurt because it happened amongst you.

Relating to Assistant Bishops; Vicars, I must recognize and this is very difficult that as of now Assistant Bishops; Vicars, are had only by the Patriarch, and not by a Diocesan Bishop. And, in Addition; here we talk of trustworthiness and untrustworthiness—the question is postulated as to whom the Vicar-Bishop would be obedient to: to his Bishop here, or to the Patriarch? Such a question cannot be postulated because it is known to whom the Vicar must be obedient. The Canons are in evidence, and it is known according to the Canons, who and what is a Vicar, and that a Vicar must be obedient to his jurisdictional Bishop. Aside from the question of trust and distrust, the question is postulated, "Where would the Vicars come from?": Whether from the Old Country or from here in America? Even this question is neither appropriate nor ideal because it creates suspician and distrust of the Episc-

opate in the Old Country. We have very educated and talented young Bishops there who know the English language. But, if, his Grade, Dionisije desires that the Vicar be from here in the United States of America, I would be in agreement with this, however, the Holy Bishops' Assembly shall give its decision, in this.

As regards South America, let His Grace, my Brother Dionisije, write an opinion to the Holy Synod or to his Holiness, the Patriarch: in the opinion, let him deliniate his fear that our people there will fall away. Let him deliniate why it is necessary that that area fall under the U. S. A. Finally, he knows how to write it, and I believe that his Holiness and the Holy Bishops Assembly, that is, the Synod, will give South America to the jurisdiction of this diocese. As regards the Diospora outside America and this Diocese, that is a delicate question, the Patriarch, personally, is taking care of this. There were some immediate questions, but the Patriarch sent his Vicar, Bishop Sava, who visited all the Church congregations in Europe and this matter is comparatively taken care of. Peace has been attained. If, his Grace, Bishop Dionisije, desires South America in his jurisdiction, let him write a motion and explain what importance and benefit this would be for the U. S. A.

As regards personal suggestions, I feel that I am not authorized to give them. However, to his Grace, Bishop Dionisije, I will in a friendly way, personally, tell what is good. I

I repeat; our trip is of great benefit and we, once again, thank his Grace, Brother Dionisije, and you, the Diocesan Executive Board, who have made possible this trip.

We saw the monastery, Shadeland, Jackson, many new holy Churches, the Clergy, the Choirs, the school children. It is evident that much has been done and is being done.

A great difference from 23 years before when I was the Diocesan Bishop here. Great material progress. I congratulate you! However, material success is not all. The duty of the Church remains: that Christian Spirit be strengthened, that a greater spirituality be attained. Because of this, I beg you, members of the Executive Board, help your Bishop, that the spiritual side of the Diocese be strengthened. All lesson books for schools which must be prepared, prepare. Don't spare your means. If, somewhere, there is a difference in the application of work in schools, bring in special inspectors who shall give aid that uniformity is attained in the entire territory of the Diocese.

Once again, thank God, Saint Sava, all Serbian Saints my Brother, Bishop Dionisije, and the Executive Board."

The Metropolitan was greeted with applause.

His Grace, Bishop Dionisije, spoke and wished that his declaration enter into the minutes, that he knows that no one else had written of the internal affairs of the Church in public except him. He states that he would not have written this willingly but had been forced to do so by the action of the Patriarch. When the Patriarch refused to accept the Diocesan delegation then he wrote this. He feels that the Patriarch should not refuse an individual, a courrier, much less a delegation. If the delegation has no right to be accepted at the Assembly, the Patriarch and Holy Synod could have accepted and heard them out.

Further, his Grace, Bishop Dionisije, speaks to the delegation, that he should not be looked down upon if he does not come to the sittings of the Assembly because as long as there is an athestic Communistic regime there, he will not go there; that is why he seeks that if he sends someone there, that they be accepted; his work in the maintaining of a national awareness in the Church in the U. S. A. he regards as his holy duty, though others might regard it as political.

If there are any charges, they should be sent to him for an answer, and if not for an answer, at least for his knowledge . . . so that he might see who is charging him and why . . . and what sort of persons these are in regard to the Church and land here. It is possible that he would take some of them to civil court and then the Patriarch would recognize who and what they are.

Metropolitan Damaskin, in short, said that his Grace is not punished because he has not come to the Assembly. Accordingly, it should be understood that he is not looked down upon in such circumstances; Insofar as the delegation of the Diocese was not accepted in Belgrade—he thinks that this was a mistake because it was thought that the delegation sought to go before the Assembly and, according to the Constitution, no one has entry to the Assembly except members of the Assembly and these are only Diocesan Bishops with the Patriarch. The Synod and Patriarch shall always accept courriers just as they accepted Proto Birkich this year. The Metropolitan, once again, emphasizes that internal letters of the Church are not settled in public. He feels that this is neither appropriate nor of benefit.

His Grace, the Bishop, gives the members of the Board the Opportunity to greet the delegation.

Milos Medakovich, in a lengthy talk, brought before the delegation the reasons why there is such a sizable emigation and what are the goals of this emigration. The main reason that there is a Serbian emigration is Communism in Yugoslavia; the purpose of the emigration is the liquidation of Communism in Yugoslavia. This is clear to all. This means that the emigration must hold the Serbian national awareness and a live and burning faith in God and Holy Orthodox. The Bishop of that emigration must be a man who is strong nationally and in faith. He

must be in the spirit of the emigration, that he might lead them in the right path. Thus, it is not easy to be a Bishop of this emigration and you over there in the land should know this we love and respect our holy Church, but we hate Communists and Communism. We understand how it is for you there and we believe that you know how it is for us and our Bishop here. We are with him and he is with us . . . and that is how we live and work. We believe that we are on the right path. He wishes the delegation a happy trip and pleasant recollection of the United States.

Proto Djurich asks what should be done with an Albanian Priest who recognizes no Bishop. His Grace, Bishop Dionisije, asks whether minor groups of other nationalities may be accepted into our Diocese. Archimandrite Firmilian asks for a directive as to Valerian Prifa. Svetovar Marovich asks about the new calendar.

Metropolitan Damaskin, in reply, says that all this should be written to the Holy Bishops' Synod and the Synod shall reply. Further, he talks about the new calendar. He mentions mixed marriages, Professor Milankovich, (his figuring of time), that both calendars are in error, etc. However, this is a matter which is not ripe for solution . . . and we are maintaining the old calendar.

Following this, the delegation, greeted by the Board, left the meeting—the meeting was adjourned for lunch—

His Grace opened the second session of the Board at exactly 3:00 o'clock p.m.

The secretary read the minutes of the last meeting which were accepted.

His Grace informs the Board that the Bishops' Surrogate Archimandrite Dr. Firmilian was selected as Pastor of the United Parishes of Pittsburgh, Pa. His Grace names him also as Chief of Educational Activities in our Diocese. He shall preside at meetings of the Educational

Board. Father Val Kovachevich remains in the position of Educational Advisor. The activity of the Educational Board shall depend on the two of them. Whenever it is necessary, his Grace, will eagerly give his opinion and necessary help to the Board. He also added that Archimandrite Udicki had no desire at all or wish to conform to coming to the Monastery in the duty of Educational Advisor and, because of this, he was relieved.

His Grace gives a report about SOTAYA and states that the main meeting will be in Pittsburgh, December 22nd, of this year and that he shall be present at the same together with Father Firmilian.

A letter is read from the CSC from New York which reports that it does not wish to pay the school fee for seminarians. DECIDED: To notify the Congregation that, in accordance with the decision of the National Church Assembly, they should pay it.

Letter is read from the CSC from Lorain which inquires as to what is the seminary fund and whether it is necessary to pay into the same. They seek to know who the students are. DECIDED: To reply that they should pay and who the students are.

The letter of Proto Bobrota, in behalf of the CSC of Midland, is read, which according to its content seems to protest that up to now the Diocesan dues were not doubled, on the basis of the decision of the Church National Assembly of 1960. DECIDED: To bring before the Diocesan Plenum, in February, 1963, for a jurisdictional decision.

Letter from the CSC of Lebanon, Pa, is read, which seeks to be classified as a Fourth and not a Third Class Parish, which would lower their Diocesan tax for them. DECIDED: They should send a petition in this regard to the Diocesan Assembly for confirmation, up to that time they are to pay as they have been classified.

A letter from the CSC of Canton, is read, that mail be sent in the English language. DECIDED: That they be sent a reply that both languages are official. They can write in the one they want, but if they get a letter from the Diocese in the Serbian Language they should seek a Priest who shall always translate to English.

A letter is read from the CSC of Monroe, which asks that they be forgiven from payment into the pension fund for the entire time when they had no priest up to May of 1956 and from then on they shall pay regularly. Also, they ask that they be forgiven payment into the seminarian fund, the quarterly collection, and school fees. DECIDED: To bring this up before the Diocesan Plenum.

A letter is read from the CSC of Cincinnati which seeks that they be forgiven their dues up to 1961 and that they shall pay from them. They say they had no priest and thus they had nothing. Now they have a Priest and already they have paid out their mortgage. DECIDED: To bring it up before the Plenum. Until then, they pay.

Also, a letter from the Board of the Clergy Association was read, addressed to the Church Court, regarding the handling of the pension fund. Since the pension fund is handled by the Church Court in accordance with special By-Laws, this letter is to be sent back to the jurisdiction of the Church Court. For the sake of those interested, it can be declared in the Minutes that the Diocese has its pension fund for the entire clergy who pay into the same and there is no pension fund of the clergy association. Accordingly, they should not tresspass their jurisdiction. Proto Mijatovich stated that he was at their meeting and that the letter is not in accord with what was decided.

A letter is read from the attorney from Meadville which states that the property transferral in Shadeland from the

Diocese to Shadeland will cost 1% and that the money should be forthcoming. It is to be paid from the Shadeland treasury.

A letter is read from Attorney Flannery which seeks a fee of ———$ for the transferral of the property from the former owner, his Grace the Bishop, to the new Owner, the Monastery of St. Sava. It is DECIDED THAT it be paid. The same attorney seeks $200.00 for the formulation of a petition and the gathering of necessary documents in order that the monastery be excepted from the payment of taxes. It is DECIDED that it be paid.

The legal advisor, Nick Stepanovich, makes a motion that the By-Laws of the Federal of KCC be accepted . . . as presented by the convention. Since Proto Marchecich, Proto Birkich, his Grace and Archimandrite Balach, worked on these By-Laws and the convention accepted them, then the Board unanimously accepts them for presentation to the next Assembly for approval.

Archimandrite Dimitrije, in short, gives a report regarding the case in action. Last Spring, Proto Glocar charged that the Board did not give him its salary increase. The Board charged that Proto Glocar refuses to cooperate with the CSC and, thus, he is of harm to the Church. The Diocesan Full Board, last February, ordered that the entire matter be given to Proto Klipa for the purpose of reconciliatory invesitation and report. Proto Klipa, after reconciliatory investigation, moved that Proto Glocar be given the raise and that the Board be ordered to pay him the same. At the same time, Proto Klipa moved that a special meeting be held and at the same the matter of confidence in a priest, on the one hand, and the matter of confidence in the board, be decided. This meeting was to have been held in May, but, upon mutual request, it was continued to December when, once again, by mutual consent, it was delayed until November of this year. The special Assembly was called for November 11. The Diocesan delegation: Archimandrite Dimitrije and Proto Branco Kusonich presided at the meeting. The Diocesan delegation scrupulously respected the instructions given them and the written directives of the jurisdictional Bishop. Thus, the Board, had the opportunity to bring forth at the meeting itself in nine articles its dissatisfaction with the Priest and the Priest Glocar had the same amount of time to reply to the Board. Then, a vote was taken to ascertain who was satisfied with Glocar's work and with him as Pastor of 207 fully qualified votes, there were 128 against and 88 for Glocar. According to this, there were 40 more dissatisfied and, thus, it was ascertained that the majority of the membership was dissatisfied with Proto Glocar. The Diocesan delegation submitted its report with the Minutes to his Grace, the Bishop, for his jurisdiction.

(The minutes are being taken by Archimandrite Firmilian since Father Balach had to leave on official business somewhere with Bishop Nikanora)

In regard to this matter, also spoke; His Grace the Bishop . . . Proto Jurich and Proto Mijatovich, who brought up that more and more there has been a longing by CSCs to be able to get rid of their priests when the congregation wishes. They feel that this cannot be allowed to the congregation, but that it should be given over to the Church Court, which shall investigate the matter and constitute whether the Priest is builty or not, whether he should be transferred or not. Thus, this case of Proto Glocar should be brought forth for the Church Court for jurisdiction.

Archimandrite Firmilian moves that delegates for the Church National Assembly be chosen at the December meetings. It is also decided that the Assembly shall be

held in Shadeland Pa, parish. Further it is decided that the Diocesan Plenum be called to a meeting between the 15th and 20th of February for the budget, the Assembly, and other matters.

Proto Jurich states that yet at the last Assembly a petition was submitted that Lakawama be forgiven its dues because they were building a new church. DECIDED: That with the other petitions it be brought up before the Plenum for decision.

The diocesan financial secretary, Miodrag Cvetkovich, gives his financial report. Income and disbursements, how many debts were paid and the general condition of the treasury. The report is accepted.

The matter of Buena; (N. J.) Archimandrite Firmilian moves that the memorial chapel of Father Adam in Buena be accepted as our Diocesan property, together with Father Adam. DECIDED: To authorize Father Archimandrite Firmilian to prepare the legal forms for the transfer.

The Diocesan financial secretary gives his report of income and disbursements of the Monastery Parish. It is accepted.

Proto Mijitovich moves that the people be informed that the Diocese has hosted the delegation. This is accepted.

The legal advisor, Nick Stepanivich, moves that his Grace the Bishop write to the Holy Bishops' Synod in behalf of the Diocesan Executive Board to inform them that the delegation arrived, that they were our official guests, of their travels throughout the U. S. A. and to thank the Synod for sending them. The motion is seconded by Treasurer Nick Chabrija.

With this, the Agenda, has been covered and the meeting closed with prayer and the blessing of His Grace, Bishop Dionisije at 6:00 o'clock p.m.

Archimandrite Dimitrije — President Bishop Dionisije
Secretary

PLAINTIFF'S EXHIBIT 117

SERBIAN ORTHODOX BISHOP OF AMERICA AND CANADA

Monastery of Saint Sava
Libertyville, Illinois
June 30, 1962

To: All Patriotic Clergy, Church-School Congregations, and Orthodox Serbs of this Diocese

Greetings and Blessings:

Since our announcement of June 1 of this year caused various persons in our public life to make incorrect and malicious comments, I wish to state in behalf of our Diocese and myself the following:

1. Nobody, in behalf of our Diocese, has ever done anything, nor is doing, what would lead to separation from our Holy Serbian Orthodox Church of Saint Sava. This Diocese is and will remain in the canonical unity with its own Serbian Patriarchate, headed by the Serbian Patriarch.

2. As the Bishop of entrusted to me Diocese, I always have been, I am, and I will keep canonical unity and oneness of the Holy Serbian Orthodox Church.

3. My personal relation toward the Holy Bishops' Council of the Cerbian Church and toward His Holiness the Patriarch, in connection with my Episcopal oath, is regulated by the Holy Canons of the Orthodox Church, and the Church Statutes of our provincial Serbian Church will remain unchanged.

4. All decisions of our Diocesan Lay Assemblies, which for any reason were not executed nor obtained necessary higher sanction, will be brought again before the Clergy Lay Assembly for its competency, which has right to change them or to remove them from the agenda.

By this, I order all my beloved clergy and executive boards of our Church-School communities of our Diocese to suppress energetically the malicious rumors and wrong commentaries about our "schism" and separation of this Diocesan from its Mother Church. Our endeavors are to help her, to recover and to be strengthened, and not to be divided and thus weakened.

With Blessings,
(Signed by: Bishop Dionisije)

PLAINTIFF'S EXHIBIT 120
(Crown)

SERBIAN ORTHODOX DIOCESE
For the United States of America and Canada
Serbian St. Sava Monastery
Libertyville, Illinois
U.S.A.

May 30, 1963

Venerable Archimandrite,
Dr. Firmilian Ocokoljich,
Pittsburgh, Pennsylvania
Venerable and dear father Archimandrite,

You have surely learned of the Holy Bishops' Council and Synod's decision with the division of this Diocese and of my removal, along with a suspension, until a verdict is reached. So, you have surely received my circular in connection with that question.

I desire here to inform you, that, up to our Diocesan Assembly, it is impossible to surrender my duties, and at the Assembly, itself, if our Assembly requests it, and if it accepts the decisions, from Belgrade, I will surrender all

duties of the Diocesan Bishop to my people, who accepted me 23 years ago. If you make any plans about your future work, have this in view.

We will surely, soon, have a meeting of the Diocesan Plenum*, at which time this question will be discussed, and from that will depend how all of this will develop in the future. One thing should be known, I cannot remain in the Diocese by force, if my people do not want me, but, at the same time, I will not recognize, and do not recognize, this communistic decision from Belgrade, because nobody can convince me, that all of this is not according to communistic dictation. According to that, I am continuing my fight against communism, without any separation from our Patriarchate, also, without recognizing this unjust and uncanonical decision.

Heartily, I greet you, and wish you every good.

With Blessings,
Signed (Bishop Dionisije)

* Plenum: all of the various Diocesan Committees

PLAINTIFFS' EXHIBIT 121

Temporary address;
3201 South 51st St.
Milwaukee 19, Wis.

Dr. Uros Seferovic,
Vice President of the Diocesan Council
of the Serbian Orthodox Church for the
United States of America and Canada
150 Michau
Riverside, Illinois

Dear Dr. Seferovich:

I am advised that you have distributed a notice for a call of the Clergy Laity General Assembly (Orkveno Narodni Sabor) for August 6, 7, 8 and 9, 1963, of the Diocese at St. Sava Monastery in Libertyville, Illinois.

In accordance with the provisions of the Constitution of our Diocese, particularly paragraphs 20 and 22, this General Assembly can only be summoned by the Diocesan Bishop, and in accordance with said provision of the Constitution, the Sabor can only be opened and presided over by the Diocesan Bishop. Since I have been appointed Administrator of the Diocese by the proper church authorities, I am the only person that can summon, open, and preside over such Sabor.

I am sure you are aware of the fact that Bishop Dionisije has been suspended and his authority has been delegated to me.

I am not against the principle of calling the Sabor at this time. However, it would be necessary that you send out written notices canceling the call for the Sabor, after which I shall then issue my summons for the Sabor. These notices should be send out within seven days of receipt of this letter.

I trust you will respect the provisions of the Diocesan Constitution and aid in preserving the peace and unity of our beloved church.

(closing of letter not included in exhibit)

PLAINTIFFS' EXHIBIT 123A

SERBIAN EASTERN ORTHODOX DIOCESE
FOR THE UNITED STATES OF AMERICA
AND CANADA
Serbian St. Sava Monastery
Libertyville, Ill.
U.S.A.

June 29, 1963

V. Rev. Meguman
Simeon Grozdanovich
Monastery of the Holy Mother of God,
Shadeland, Springboro, Pa.

Very Rev. Father Simo,

Enclosed I am sending the advertisement which I have directed to our newspapers and radio hours, concerning the announcement of our patron saint celebration at Shadeland. I cannot arrive because, as can be seen from advertisement, the Church National Assembly is being held just

prior to the celebration. I cannot arrive to organize everything on the spot, and I must be there, God willing.

Orally inform everyone who indicates an interest in Shadeland's patron saint celebration.

Yesterday a new commission arrived from Belgrade—two bishops, one archpriest, and one protodeacon. We have decided here, that they are not guests of our Diocese, and they cannot be received either in the Monastery nor in Shadeland. Therefore, you cannot receive them for lodging or any kind of hospitality, since they are not guests of the Diocese. Enclosed also is our announcement about this.

Another thing. They will seek a place to tonsure as a monk the archpriest Stevan Lastavica, and afterward to consecrate him a bishop. I FORBID *that he be tonsured a monk at Shadeland. Therefore, if they appear there, and ask for this,* YOU CANNOT OPEN THE CHAPEL TO THEM NOR RECEIVE THEM AT ALL.

My sincere greeting to you

With blessing Bishop Dionisije

PLAINTIFF'S EXHIBIT 126

Holy Episcopal Synod of the Serbian
Orthodox Church
No. 1987/min. 267
June 13, 1963. Belgrade.
Very Rev. Archmandrite Dr. Firmilian Ocokoljich,
Administrator of the Midwest American Diocese,
Pittsburgh

Holy Episcopal Synod at its meeting under above number and date, rendered the following decision:

"His Holiness the Serbian Patriarch German is authorized to give all Episcopal dispensations in the following dioceses:

Middle Eastern America and Canadian
Middle Western American, and
Western American, until the consecration of the Very Rev. Stefan Lastavica, pastor of Windsow into the rank of a Bishop, when he is to take over these dispensations".

Of the above decision we have the honor to inform you for your knowledge.

For the President of the
Holy Bishops' Synod
Member, Bishop of Timok
(sign. Emilian)

SEAL

PLAINTIFF'S EXHIBIT 128

HOLY BISHOPS' SYNOD
SERBIAN ORTHODOX CHURCH
No. 3223/Minutes 510
October 18, 1963-rd year
Belgrade

Your Grace,

In connection with Your Grace's act-(letter) of 10/3, 1963rd year, the Holy Bishops' Synod, at its meeting, under the above number, has rendered this decision:

"To inform His Grace, the Midwest North-American Bishop, Mister Firmilian:

1. That all the rights of the former American-Canadian Diocese, as they relate to the autonomy in the administrative sense, remain unchanged. The only exception is the forming of three dioceses and

2. That the Constitution of the former American-Canadian Diocese remains the same and that the Dioceses in America and Canada will not, in an administrative sense, (the management (or direction) of the properties) be managed (or directed) in the same manner as those in Yugoslavia."

Of the above, we have the honor to inform Your Grace with a plea for your information.

Your Grace's brother in Christ,

For the President
Holy Bishop's Synod
Member, Bishop of Timok
(sig. EMILIAN

(seal)

TO HIS GRACE MIDWEST NORTH-AMERICAN
BISHOP
MISTER F I R M I L I A N

(NOTE:—Words underlined, added by translator

MILWAUKEE

(NOTE: — Words underlined, added
by translator for clarity)

Certificate Number 31044

STATE OF ILLINOIS
OFFICE OF
THE SECRETARY OF STATE

PLAINTIFF'S EXHIBIT 127

To all to whom these Presents Shall Come, Greeting:

I, PAUL POWELL, Secretary of State of the State of Illinois, do hereby certify that the following and hereto attached is a true photostatic copy of the Articles of Incorporation, of SERBIAN ORTHODOX MONASTERY OF SAINT SAVA,

the original of which is now on file and a matter of record in this office.

In Testimony Whereof, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois. Done at the City of Springfield this 29th day of October A.D. 1968

Paul Powell
SECRETARY OF STATE

1-4812

Certificate Number 308

STATE OF ILLINOIS

OFFICE OF THE SECRETARY OF STATE

Co[illegible]

Whereas, *Articles of Incorporation duly signed and verified of*
SERBIAN ORTHODOX MONASTERY OF SAINT SAVA
have been filed in the Office of the Secretary of State on the 5th
day of April *A. D.* 1945 *as provided by the* GENERAL NOT
FOR PROFIT CORPORATION ACT *of Illinois, approved July 17, 1943, in force*
January 1, A. D. 1944.

Now, Therefore, I, EDWARD J. BARRETT, *Secretary of State of the State of Illinois, by virtue of the powers vested in me by law, do hereby issue this Certificate of Incorporation and attach hereto a copy of the Articles of Incorporation of the aforesaid corporation.*

In Testimony Whereof, *I hereunto set my hand and cause to be affixed the Great Seal of the State of Illinois.*
Done at the City of Springfield, this 5th
day of April *A. D.* 19 45 *and of the Independence of the United States the one hundred and* 69th.

(SEAL)

Edward J. Barrett

SECRETARY OF STATE

Filing Fee $10.00 FORM BNI

2-4812

ARTICLES OF INCORPORATION
under the
GENERAL NOT FOR PROFIT CORPORATION ACT

(These Articles Must Be Filed In Duplicate)

(DO NOT WRITE IN THIS SPACE)
Date Filed: 4/13/45
Filing Fee: 10 Cash
Clerk:

To EDWARD J. BARRETT Secretary of State, Springfield, Illinois

We, the undersigned, Citizens, Natural Persons, of the age of twenty-one years or more, 350 7

Name	Number	Street	Address City	State
Mile Radakovich	501	North Scott	Joliet	Illinois
George Rapaich	461	Broadway	Gary	Indiana
Very Rev. Andra Popovich	9807	Commercial Ave.,	South Chicago,	Illinois
Rev. Vladimir Mrvichin	1300	Connecticut Ave.,	Gary,	Indiana
Rev. Dositey Obradovich	St. Sava	Monastery	Libertyville,	Illinois

being natural persons of the age of twenty-one years or more and citizens of the United States, for the purpose of forming a corporation under the "General Not For Profit Corporation Act" of the State of Illinois, do hereby adopt the following Articles of Incorporation:

1. The name of the corporation is: Serbian Orthodox Monastery of SAINT Sava N.F.

2. The period of duration of the corporation is: Perpetual
(Please state "perpetual" or definite number of years)

3. The address of its initial Registered Office in the State of Illinois is: Serbian Orthodox Monastery
Street, in the Village of Libertyville (County of) Lake and
(Name)
the name of its initial Registered Agent at said address is: Very Rev. Dimitriye Balach, Abbot

4. The first Board of Directors shall be Nine (9) in number; their names and addresses are:
(Not less than three)

PAID
APR 6 1945

Name	Number	Street	Address City	State
Rt. Rev. Bishop Dionisije	c/o	Monastery	Libertyville,	Illinois
Very Rev. Peter C. Stiyachich	1905	W. Schiller st.	Chicago,	Illinois
Very Rev. Dimitriye Balach	Abbot,	c/o Monastery	Libertyville,	Illinois
Mile Radakovich	501	North Scott	Joliet,	Illinois
Very Rev. Andra Popovich	9807	Commercial Ave.	Chicago,	Illinois
George Rapaich	461	Broadway	Gary,	Indiana
Rev. Vladimir Mrvichin	1300	Connecticut Ave.	Gary,	Indiana
Rev. Dositey Obradovich	c/o	Monastery	Libertyville,	Illinois
Vladimir Medenica	1324	Connecticut Ave.	Gary,	Indiana

5. The purpose or purposes for which the corporation is organized are:

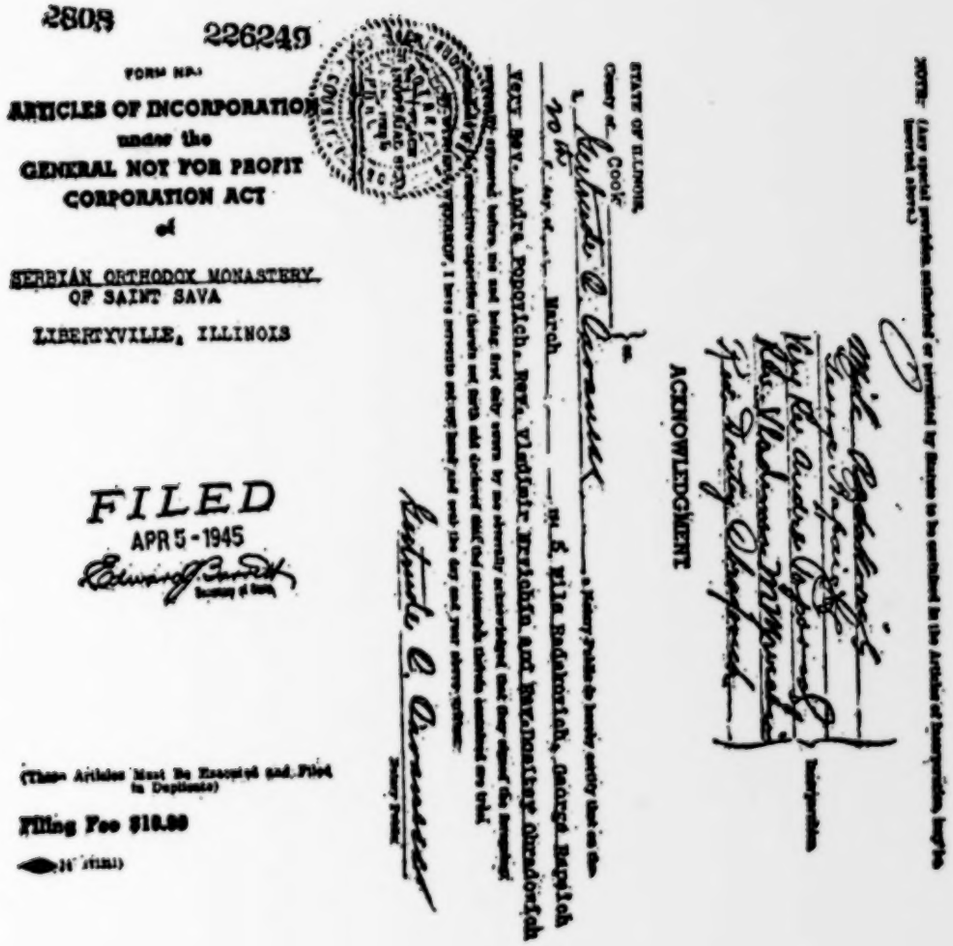
1. To maintain and conduct a Monastery for monks of the Serbian Eastern Orthodox Diocese of the United States of America and Canada.

2. To carry on cultural, spiritual, educational, and other Church and American-Serbian activities, including assemblies, conferences, youth rallies, conventions, summer camps and similar activities.

3. To maintain and conduct a theological school of studies for priesthood in the Serbian Eastern Orthodox Church in America and Canada,

4. To maintain a home for aged and indigent American-Serbian clergy and Americans of Serbian descent, who are members of the Serbian Eastern Orthodox Church.

BEST COPY AVAILABLE



2808 226249

FORM NO.

ARTICLES OF INCORPORATION
under the
GENERAL NOT FOR PROFIT
CORPORATION ACT
of

SERBIAN ORTHODOX MONASTERY
OF SAINT SAVA

LIBERTYVILLE, ILLINOIS

FILED
APR 5 - 1945

(Three Articles Must Be Executed and Filed in Duplicate)

Filing Fee $10.00

STATE OF ILLINOIS,
County of Cook } ss.

ACKNOWLEDGMENT

NOTE: (Any special provision authorized or permitted by Statute to be contained in the Articles of Incorporation may be inserted herein.)

PLAINTIFFS' EXHIBIT 130

Deed Record No. 256.

No. 235373 Filed for Record this 4th day of February A.D. 1924 at 11:30 o'clock A.M.

THIS INDENTURE, WITNESSETH, that the Grantors, Harrie L. Hall and Loie E. Hall, his wife, in the County of Cook and State of Illinois for and in consideration of the sum of Fifteen Thousand ($15,000.00) in hand paid, CONVEY and WARRANT to Rt. Rev. Mardary of the City of Chicago, County of Cook and State of Illinois the following described Real Estate, to-wit:

Commencing at the northwest corner of the southeast quarter of Section Thirty-three (33) in Township Forty-five (45) North Range Eleven (11) East of the Third Principal Meridian, thence running South on quarter section line nine and nine-hundredths (9.09) chains, thence South seventy-six (76) degrees East seventeen and forty-five hundredths (17.45) chains, thence North four and fifty-four/100ths chains, thence East twelve and sixty-hundredths (12.60) chains, thence North eight and seventy-nine hundredths (8.79) chains to the quarter Section line, thence west on the quarter section line twenty-nine and sixty hundredths (29.60) chains to the place of beginning, containing thirty and twenty-seven hundredths (30.27) acres, more or less, with all improvements thereon,

situated in the County of Lake, in the State of Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of this State.

Dated this 10th day of January A.D. 1924

(signature) Harrie L. Hall [SEAL]
Loie E. Hall [SEAL]

$15.00
Rev. stamps
cancelled

(notarization omitted)

PLAINTIFF'S EXHIBIT 131

DEED RECORD No. 317

Doc. No. 308376. Filed November 10th, A.D. 1927 at 9:00 o'clock A.M.

780

THIS INDENTURE WITNESSETH, That the grantor, BISHOP MARDARY(formerly known as Rt. Rev. Mardary), a bachelor, of the City of Chicago, County of Cook and State of Illinois, individually and as Trustee under a Declaration of Trust, hereinafter described, witnesseth:

1. WHEREAS, HARRIE L. HALL and LOIE E. HALL, his wife, of Chicago, Cook County, Illinois, by their said Warranty Deed, dated January 10th, 1924, by them on that day duly acknowledged and delivered, and recorded February 4, 1926, in the office of the Recorder of Deeds of Lake County, Illinois as Document No. 235,373, conveyed to the undersigned under the name and style of Rt. Rev. Mardary, real estate in Lake County, Illinois hereinafter described;

2. AND WHEREAS, said real estate hereinafter described was purchased in part by funds of the Rt. Rev. Mardary, and in part by donation from various persons given to Rt. Rev. Mardary for that purpose;

3. AND WHEREAS, as Bishop Mardary (Formerly known as Rt. Rev. Madary, of the Serbian Orthodox Diocese of United States and Canada), as owner of the premises hereinafter described in consideration of One Dollar ($1.00) and other good and valuable considerations, did on the 26th day of October, 1926 make and execute a certain Declaration of Trust in favor of the Serbian Orphanage of St. Sava's Monastery at Libertyville, Lake

County, Illinois, previding therein also that if said Orphanage be ever discontinued then to be used in the discretion of the then Bishop of the said Diocese for the use and benefit of said Serbian Orthodox Diocese for the United States and Canada; which said Declaration of Trust, conveying the premises hereinafter described, was duly signed and executed and recorded in the office of the Recorder of Deeds of Lake County, Illinois, as Document No. 288,766 October 27th, A.D. 1926;

4. AND WHEREAS, there was not then in existence any such society, corporation or organization by the name, style or description of the Serbian Orphanage of St. Sava's Monastery at Libertyville, Lake County, Illinois, except in name, but that it was intended when said Declaration of Trust was made to adopt such a name for the purpose of organizing an Orphanage; but that instead of using the name above described for organizing an orphanage, another name was adopted and a corporation organized under the laws of the State of Illinois, which said corporation is known as Serbian Eastern Orthodox Diocese Council for United States and Canada, for the purpose of doing and performing the work intended to be done by Serbian Orphange of St. Sava's Monastery at Libertyville, Lake County, Illinois, if it had been adopted and used;

5. AND WHEREAS there was no one who did or could accept or receive the benefits intended to be bestowed and conveyed by said Declaration of Trust, and said gift or bestowal in said Declaration of Trust is hereby and herein withdrawn and determined, revoked and cancelled.

6. NOW, THEREFORE, I, BISHOP MARDARY (formerly known as Rt. Rev. Mardary), a bachelor, individually and as Trustee, in consideration of One Dollar

($1.00) and other good and valuable considerations to me in hand paid, receipt whereof is hereby acknowledged, do hereby alien, remise, release and convey unto Serbian Eastern Orthodox Diocese Council for United States and Canada, party of the second part, its successors and assigns, forever, subject only to the provision in paragraph seven hereinafter set forth, all that tract or parcel of land in the County of Lake and State of Illinois described as follows, to-wit:

Commencing at the northwest corner of the southeast quarter of Section thirty-three (33), in Township forty-five (45) North, Range Eleven (11) East of the Third Principal Meridian, thence running south on quarter section line nine and nine hundredths (9.09) chains; thence south seventy-six (76) degrees east seventeen and forty-five hundredths (17.45) chains; then North four and fifty-four /100ths chains; thence east twelve and sixty-hundredths (12.60) chains; thence north eight and seventy-nine hundredths (8.79) chains to the quarter section line; thence west on the quarter section line twenty-nine and sixty hundredths (29.60) chains to the place of beginning, containing thirty and twenty-seven hundredths (30.27) acres more or less.

7. Said Serbian Eastern Orthodox Diocese Council for United States and Canada shall not mortgage, sell, alien or convey said above described real estate or any part thereof without the written consent of the Bishop of said Serbian Eastern Orthodox Diocese for the United States and Canada, or his successor.

8. Hereby conveying said above described premises subject to the condition and provision last above set forth

with all singular the improvements thereon, the hereditaments, and appurtenance thereunto belonging, or in any wise appertaining, and all the estate, right, title, interest, claim and demand whatsoever, in law or in equity, which I as Rt. Rev. Mardary, now Bishop Mardary, individually and as Trustee, ever had or may now have in and to the said premises: TO HAVE AND TO HOLD the same unto the said party of the second part, its successors and assigns forever, subject only to the provision in paragraph seven as fully and effectually to all intents and purposes in law as he the said party of the first part might, could or ought to sell and convey the same by virtue of the conveyance of said HARRIE L. HALL and his wife, and by virtue of the withdrawal and ending of the said Declaration of Trust herein above described.

IN WITNESS WHEREOF, the said party of the first part, individually and as Trustee, hereunto sets his hand and seal this 9th day of November, A. D. 1927.

Bishop Mardary (SEAL)
Rt. Rev. Mardary (SEAL)
Trustee in said Declaration of
Trust hereinabove described.

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, MARIE NEEDHAM, a Notary Public in and for said County, in the State of aforesaid, do hereby certify that BISHOP MARDARY of the Serbian Orthodox Diocese of United States and Canada (formerly known as Rt. Rev. Mardary), a bachelor, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, individually and as such Trustee, for the uses and purposes therein set forth.

GIVEN under my hand and seal this 9th day of November, A.D. 1927.

Marie Nedham
Notary Public.

Marie Needham
Notary Public
Cook County, Ill.

My commission expires February 6/1930.
Endorsed:
OCT. 18, 1927
CONSULATE GENERAL OF THE
SERBS, CROATS AND SLOVENES,
CHICAGO, ILL.

PLAINTIFF'S EXHIBIT 132

This Indenture Witnesseth, That the Grantor SERBIAN EASTERN ORTHODOX DIOCESE COUNCIL FOR UNITED STATES AND CANADA, a corporation duly organized and existing under and by virtue of the laws of the State of Illinois, and duly authorized to transact business in the State of Illinois for and in consideration of Ten and No/100 ($10.00) Dollars, and other good and valuation considerations, and pursuant to authority given by the Board of Bishop and Trustees of said corporation, CONVEYS and QUIT CLAIMS unto SERBIAN EASTERN ORTHODOX DIOCESE FOR UNITED STATES OF AMERICA AND CANADA, an Illinois religious corporation duly organized and existing under and by virtue of the laws of the State of Illinois having its principal office in the County of Lake and State of Illinois all interest in the following described Real Estate, to wit:—

That part of the South East quarter of Section 33, Township 45 North, Range 11, East of the 3rd P.M., in Lake County, Illinois, described as follows, towit: Commencing at the North West corner of said quarter Section; running thence South along the West line of said quarter Section 9.09 chains; thence South 76 degrees East 17.45 chains; thence North 4.54 chains; thence East 12.60 chains; thence North 8.79 chains to the North line of said quarter Section; thence West on the quarter Section line 29.60 chains to the place of beginning situate in the County of Lake in the State of Illinois.

In Witness Whereof, said Grantor has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its Bishop and attested by its Secretary, this 4th day of September A.D. 1941.

Serbian Eastern Orthodox Diocese Council for United States and Canada,
By *Bishop Dionisije*
Bishop of the Diocese
Attest: *Rev. Fermilian Ogokoljich*,
Secretary.

(Seal)

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

I, Annamee Balluff, a Notary Public, in and for said Council in the State aforesaid, Do Hereby Certify that Bishop Dionisije personally known to me to be the Bishop of the Serbian Eastern Orthodox Diocese Council for United States and Canada, a corporation, and Rev. Firmilian Otsokoljich personally known to me to be the Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Bishop and Secretary, they signed and delivered the said instrument as Bishop and Secretary of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority, given by the Board of Trustees of said corporation as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and seal this 4th day of September A.D. 1941.
(SEAL)

Annamse Balluff
Notary Public

PLAINTIFF'S EXHIBIT 136

WARRANTY DEED

This Indenture Witnesseth, That the Grantor, Serbian Eastern Orthodox Diocese for United States of America and Canada, a religious corporation created and existing under and by virtue of the laws of the State of Illinois, duly organized to transact business in the State of Illinois, for the consideration of One Dollar and other good and valuable considerations and pursuant to authority given by the Board of Trustees of said corporation, Conveys and Warrants unto Serbian Orthodox Monastery of Saint Sava, a corporation created and existing under and by virtue of the laws of the State of Illinois, having its principal office in the Village of Libertyville, and State of Illinois, the following described Real Estate, to-wit:

First Parcel

Commencing at the North West corner of the South East quarter of Section 33, Township 45 North, Range 11, East of the Third Principal Medidian; thence running South on the quater Section line 9.09 chains; thence South 76 degrees East 17.45 chains; thence North 4.54 chains; thence East 12.60 chains; thence North 8.79 cains to the quarter Section line; thence West on the quarter Section line 29.60 chains to the place of beginning, containing 30.27 acres, more or less, with all improvements thereon, in Lake County, Illinois.

Second Parcel

That part of the South East quarter (SE¼) of Section 33, Township 45 North, Range 11, East of the Third Principal Medidian, described as follows: Commencing at the North West corner of said quarter Section; thence South on the Wast line of said quarter Section 9.09 chains; thence South 76 degrees East 17.45 chains for a place of beginning; thence North

4.54 chains; thence East 12.6 chains to a point 40 rods West of the East line of said quarter Section; thence South 7.66 chains more or less, to a point South 76 degrees East of the place of beginning; thence North 76 degrees West 12.98 chains, more or less, to the place of beginning, in Lake County, Illinois, subject to an easement for the purpose of ingress and egress from the Des Plaines River over and across the Southerly five (5) feet of the premises above described, in Lake County, Illinois.

Third Parcel

That part of the Southeast Quarter (SE¼) of Section Thirty-three (33), Township Forty-five (45) North, Range Eleven (11) East of the Third Principal Meridian, described as: Beginning at a point on the West line of and 1862.4 feet North from the Southwest corner of said Southeast Quarter (SE¼) of Section 33; thence North along said West line 187.6 feet to a point which is 2050 feet North from the said Southwest corner of the Southeast Quarter (SE¼) of Section 33; thence South 76 degrees East 404.5 feet to the center of Milwaukee Avenue; thence South 26 degrees 26 minutes West along the center of said Milwaukee Avenue 100.8 feet; thence West, parallel to the North line of said Southeast Quarter (SE¼), Section 33, 346.8 feet to the place of beginning, containing 1.2 acres, more or less, in Lake County, Illinois.

Fourth Parcel

That part of the Southwest Quarter (SW¼) of Section Thirty-three (33), Township Forty-five (45) North, Range Eleven (11) East of the Third Principal Meridian, described as beginning at a point on the East line of and 1862.4 feet North from the Southeast corner of said Southwest Quarter (SW¼) of Section

33; thence West, parellel to the North line of said Southwest Quarter (SW¼), 222.2 feet; thence North parellel to the East line of said Southwest Quarter (SW¼), 784.1 feet to the North line of said southwest Quarter (SW¼); thence East to the Northeast corner of said Southwest Quarter (SW¼) of Section 33; thence South along said East line of the Southwest Quarter (SW¼) to the place of beginning, containing 4 acres more or less, in Lake County, Illinois.

Fifth Parcel

That part lying Easterly of the Des Plaines River of that part of the South Half (S½) of Sections Thirty-three (33) and Thirty-four (34), Township Forty-five (45) North, Range Eleven (11) East of the Third Principal Meridian, described as follows: Beginning at the Southwest corner of the Southeast Quarter (SE¼) of Section 33; thence running North along the West line of said Southeast quarter (SE¼) 2050 feet; thence running South, 76 degrees East, 3425 feet; thence running South 3 minutes East, 561 feet; thence running South, 89 degrees 53 minutes West, 660 feet to the East line of said Section 33; thence running South along the East line of said Section 33 to the Southeast corner of said Section; thence running West along the South line of said Section 33 to the place of beginning, in Lake County, Illinois.

Sixth Parcel

Lot Two (2) in Block Twelve (12) in D.S. Lee's Addition to Chicago, being a subdivision of part of East half (E½) of North West quarter (NW¼) and West half (W½) of North East quarter (NE¼) of Section Six (6), Township Thirty-nine (39) North, Range Fourteen (14), East of the Third Principal Meridian, in Cook County, Illinois.

In Witness Whereof, said Grantor has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its President, and attested by its Secretary, this 12th day of April, A.D. 1945.
(SEAL)

Serbian Eastern Orthodox Diocese for
United States of America and Canada
By *Rt. Rev. Bishop Dionisije*
President.

V. Rev. Dimitrije Balach
Secretary.

State of Illinois)
) ss.
County of Cook)

I, Gertrude C. Cavaness, a Notary Public in and for said County, in the State aforesaid, Do Hereby Certify Rt. Rev. Bishop Dionisije, President of the Serbian Eastern Orthodox Diocese for United States of America and Canada, a corporation, and Very Rev. Dimitrije Balach, personally known to me to be the Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Secretary, they signed and delivered the said instrument as President and Secretary of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority, given by the Board of Trustees of said corporation as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and Notarial seal this 12th day of April, A.D. 1945.
(SEAL)

Gertrude C. Cavaness
Notary Public.

Filed for record April 18 A.D., 1945 at 9:30 o'clock A.M. and duly recorded in Book 703 of Records, page 260.

Howard L. Scott

STATE OF ILLINOIS)
) SS.
COUNTY OF LAKE)

I, Frank J. Nustra, Recorder of Deeds in and for the County of Lake in the State of Illinois and Keeper of the records and files thereof, do hereby certify that the attached and foregoing is a true, correct and complete copy of Document No. 56079 as recorded on the 18th day of April A.D. 1945, as fully as the same appears from the records thereof now in my office remaining.

In Witness Whereof, I have set my hand and affixed the Seal of said Recorder of Deeds at my office in the City of Waukegan, Illinois, this 15th day of October, A.D. 1969.

Frank J. Nustra
Recorder of Deeds, Lake County,
Illinois
By *Esther S. Palm*
Deputy

PLAINTIFFS' EXHIBIT 150

Filed April 22, 1969
At 11:11 A.M.

THIS DEED,

Made the 27th day of March in the year nineteen hundred and Sixty-nine

Between THE SERBIAN EASTERN ORTHODOX DIOCESE FOR THE UNITED STATES OF AMERICA, AND CANADA, Libertyville, Illinois, a non-profit corporation organized and existing under the laws of the State of Illinois, Grantor

AND

ST. SAVA HOME, Springboro, Pennsylvania, a non-profit corporation organized and existing under the laws of the Commonwealth of Pennsylvania, Grantee.

WITNESSETH, *That in consideration of*: One ($1.00) *Dollars, in hand paid, the receipt whereof is hereby acknowledged, the said grantor does hereby grant and convey, sell and confirm unto the said grantee* its successor *and assigns,* All that certain piece or parcel of land situated in the Township of Spring, Crawford County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at an iron pin at the intersection of the easterly line of Route 18 and the northerly line of Township Route 839; thence south 82° 45′ east along the northerly line of said Township Route 839, a distance of 786.99 feet to an iron pin; thence north 7° 15′ east along other land of the grantor a distance of 715.72 feet to an iron pin; thence north 11° 22′ west continuing along other land of the grantor a distance of 340.34 feet to an iron pin; thence south 74° 45′ west a distance of 1053.84 feet to an iron pin on the easterly line of Route 18; thence south 15° 15′ east along the easterly line of said Route 18 a distance of 421.93 feet to a point; thence continuing in a southerly direction along the easterly line of said Route 18 an arc distance of 194.14 feet; thence south 24° 38′ east still along said Route 18 a distance of 85.57 feet to the point or place of beginning.

The above described property containing 18.912 acres and being drawn from a survey of C. E. Stiles and Associates dated August 18, 1966.

Being a part of the same land conveyed to the grantor herein by deed of Rt. Reverend Bishop Dionisije Milivojevich dated July 21, 1951, and recorded in Crawford County Deed Book 360, page 297.

This conveyance is authorzied by Resolution of the Board of Directors of The Serbian Eastern Orthodox Diocese for the United States of America and Canada at a meeting held on September 30, 1966, and the President and Secretary being authorized to execute the deed on behalf of The Serbian Eastern Orthodox Diocese for the United States of America and Canada.

AND *the said grantor will* generally WARRANT AND FOREVER DEFEND *the property hereby conveyed.*

IN WITNESS WHEREOF, *said grantor has hereunto* caused its corporate seal to be affixed, and attested the *day and year first above written.*

(Seal)

THE SERBIAN EASTERN ORTHODOX DIOCESE
FOR THE UNITED STATES OF AMERICA
AND CANADA

By: Rt. Rev. Bishop Dionisije (signed)
President

Attest:
Rev. A. Ivanovich (signed)
Sec'y

(certificate of residence omitted)
(notarization omitted)
(photocopy certification omitted)

PLAINTIFF'S EXHIBIT 151A
THE EXECUTIVE COMMITTEE
SERBIAN ORTHODOX DIOCESE OF AMERICA
AND CANADA
ST. SAVA'S MONASTERY,
LIBERTYVILLE, ILLINOIS
July 24, 1963

The Diocese Executive Board of the Serbian Orthodox Diocese for America and Canada at its meeting of July 24, 1963, considered the newly formed situation in our diocese and unanimously brought forth the following:

RESOLUTION:

1. Whereas the Holy Episcopal Council of the Serbian Orthodox Church, without agreement with the people of this diocese and its legally elected committees, divided the Serbian Orthodox Diocese for America and

Canada into three new dioceses and for the same appointed the three administrators: Archipriest Lastavica, Archimandrite Firmilian, and Archimandrite Udicki;

2. Whereas the Diocesan Plenum, at its meeting of June 6th declared itself unauthorized to accept this decision, for which reason it forwarded to the Church National Assembly for a decision and at the same time moved the Church National Assembly which had earlier been scheduled by the Plenum from October to the 6-9 of August this year;
3. Whereas these imposed administrators, together with the Priest Association, have boycotted the calling of the Church National Assembly and invited the priest clergy and congregations not to accept the legal decisions of the diocese and not to attend the Assembly;
4. Whereas these administrators invited all the priests and church school congregations not to turn any longer to the Serbian Orthodox Diocese of America and Canada and not to send to it their assessments, membership dues, and other payments, thereby causing great moral and material damage to the Diocese;
5. Whereas these administrators attempted to seize the Diocesan estates: St. Sava's Monastery in Libertyville, the Shadeland Estate in Pennsylvania, and the estate of the Mission of St. Sava in Jackson, California, as well as to appropriate all of the Diocesan cash in the bank in Libertyville—therefore:
   A. The Diocesan Executive Board most sharply protests against such damaging and unlawful work of these administrators, which is in complete discord with the regulations of the Constitution of the Serbian Orthodox Diocese of America and Canada as well as against them sending their circulars to the clergy, congregations, and the people

inviting them not to execute the decisions of the Diocesan authorities;

B. The Diocesan Executive Board also most sharply protests against the illegal work of the Investigating Commission, sent by the Holy Episcopal Synod, which instead of carrying out an investigation, for which purpose it was invited, issues its statements, in which it invites all the clergy, church school congregations and people not to accept the decisions of the Serbian Orthodox American and Canadian (Diocese) for thereby they have wrought great confusion in our people and provoked them into an open revolt against the Holy Episcopal Council, Synod, and Patriarch, and at the same time provoked this Executive Board to seek the defense of the rights of this diocese in the American courts;

C. The Diocesan Executive Board directs the legal counsel of the Diocese, Mr. Nicholas Stepanovich to immediately contact a reputable law firm through which the process of law will be immediately started for the defense of the rights and properties of this diocese in the spirit of the Constitution of this diocese and the laws of the United States of America;

D. Abiding by the decisions of the Diocesan Plenum of June 6th of this year, the Diocesan Executive Board considers that until the Church National Assembly it cannot in any manner change even the status of our Bishop Lord Dionisije, even in the event of new decisions or judgments by the Holy Episcopal Council or Synod, because the Diocesan Church National Assembly must bring its binding decisions about that as well.

The aforegoing Resolution of the Diocesan Executive Board was sent by telegram to the Holy Episcopal Synod in Belgrade, July 24, 1963 by way of Western Union.

REPORT

The American Church Triumvirate—the newly elected Bishop Lord Stevan with his two Adlatus's, Archimandrites Co-administrators, on the 14th of July of this year sent a circular to all church school congregations, the people and clergy not to attend the legally called Diocesan Church National Assembly and proclaimed it: Unlawful, unchurchly, and schismatic. Thereby, this time again they bring great confusion and error among our people, and they will be answerable before the judgment of history and the people, and our called Assembly is fully legal, it is not illegal because it was called according to the Constitution of our Diocese. The Assembly is not unchurchly because Serbian national and church questions will be decided upon and not Tito Communistic.

1. The Assembly is not schismatic because our people did not separate nor is separating itself from its St. Sava Serbian Orthodox Church and its Serbian people.

This Triumvirate trampled the decisions from Belgrade because it called its three dioceses, "The Serbian Orthodox Church in America and Canada," not as the Holy Episcopal Council decided! They have no right to take that name. They signed themselves as directors of the three new dioceses which exists only on paper and do not exist in practicality. For nothing exists from the Diocesan organization in those three dioceses.

This Triumvirate says that in order for the Assembly to be legal, it must be opened by a Bishop. But who would open the Assembly if the Bishop died?! Most certainly his representative or the Vice-President of the Diocesan Coun-

cil and later the Assembly itself would elect its own chairmanship. Every normal man knows this, but only this Church Triumvirate imposed upon Srpstvo does not want to know and comprehend it. Why? Because, boycotting this legal Assembly, they would later call their own Assembly and impose themselves upon these people. American and Canadian Srpstvo does not accept this. American and Canadian Srpstvo will not depart from its national Serbian line of St. Sava for this Goles mountain of this Triumvirate. This Triumvirate warns all our patriotic priesthood of St. Sava which stands with its legal diocese with our America nand Canadian diocese that each of such will be deposed. And they frightened some priests, but what would that kind of deposement mean. Absolutely nothing! Just as the anathemha of the Roman Delegation in 1054 which they placed on the entire Orthodox Church meant nothing. Until now that anathema has not been removed and the Orthodox Church exists as the legal and only successor of the Holy Apostles, protector, and preacher of the true teaching of Christ. That would be the meaning of this Triumvirate deposement even if it were to come from the Patriarch himself from Belgrade. In order for a priest to be deposed, he must be canonically at fault. Let every priest who does not recognize this German Tito Triumvirate not be afraid of those threats for this is not a fault unto him but a national Svetosavska virtue. Of what should the priest be frightened? They should be frightened that the people do not chase them from their colonies, parishes, and congregations. Three of them so far have already lost their parishes: Gary, Indianapolis, and San Francisco. There are others in line. Fear that brother priests, for you cannot make war with God and the people. Even Bishop Lord Lastavica himself will not be able to remain in Windsor that easy, even in his own former parish.

Because of this, I call all of the clergy not to be afraid of the threats of the Triumvirate but to answer the call for the Church National Assembly.

This Church Triumvirate attempted to seize the property of the Diocese and its funds. This did not succeed for them and it will not succeed. Their illegal freezing of the money of this Diocese fell away and was rejected. The rights of this Diocese, its properties, and funds are protected by the American state law through the American courts. The Diocese has already turned to the court for the protection of its rights and property.

This Church Triumvirate in contradiction to the law uses the name of this Diocese. It executes correspondence on photographed stationary and envelopes of our Diocese and Monastery. The Diocese Executive Board has turned to the court for the protection of the name of this Diocese. The Church Triumvirate will pay dearly for this improper usage.

This Church Triumvirate informed all congregations not to send their financial obligations to this Diocese. Thereby they greatly damaged this Diocese and did not even help themselves, for the people stopped and sent nothing to anybody. And they will also have to answer to this in court. Finally, the writing in various newspapers, periodicals, speeches over the radio, statements of the Priest Association, and various signed pamphlets are put on the agenda. They shall all have the opportunity soon to prove in court everything that they wrote.

Brother priests, American and Canadian Serbs, let us remain solid in our Serbian national line of struggle against Communism. Let us remain solid in the preservation of true Svetosavlje and the legacy of St. Sava as have been our fathers, grandfathers, and great grandfathers.

There is talk about my defrockment, for the Holy Episcopal Council has been called into a special assembly for the 26th of July at which this is to be accomplished. Why should they completely depose me and even expel me from the Serbian Orthodox Community of faith? Because, says the Investigating Commission, Bishop Dionisije is giving various statements to the people and does not submit himself to the Holy Episcopal Council and does not uphold his oath. If I write various statements to the people, I am informing Srpstvo which is my duty and at the same time I am defending myself from various lies and slander and I have a right to my public defense. Am I to be at fault for that? Yes, according to the Communist system. The Bishop's oath brethren is of the following substance:

A. The Bishop swears an oath to faithfulness in upholding the Holy Orthodox faith, the Holy Canons of the Seven Ecumenical Councils and fourteen recognized Provincial Councils as well as the legal regulations of his Provincial Church;

B. The Bishop swears an oath to respect the laws of the land in which he lives. I sworn an oath to the laws of the Kingdom of Yugoslavia, and not Tito's. Now I swore an oath to the laws of America. I am not a subject of Tito's Yugoslavia. The Patriarch of Constantinople, Athenagoris, who went from America to Constantinople that he might have been Patriarch had to reject American and receive Turkish citizenship;

C. The Bishop swears to the discipline and loyalty to the Holy Episcopal Council and the Patriarch and at the end of his oath, which he signs with his own hand, it says: That he agrees to be deposed if he shows himself insubordinate. It is understood here that all the decisions of the Holy Episcopal Council are righteous and based on the Holy Canons and

on the foundation of the laws of the Holy Church of Christ. Not every decision or every regulation is written into the legal codex of the Holy Church, because there are temporary and changeable as well as unjust decisions and regulations. The sense of the Bishop's oath to disciplinary loyalty to his highest church authority is the fulfillment of all decisions, regulations and rules which are based on God's law of justice and morality. One cannot obey and be submissive to any Patriarch if he breaks the Divine Law of justice and morality, holy dogma, the rules of the Orthodox faith, and Holy Canons. The higher divine laws of justice and morality release every man from fulfilling all obligations and decisions based on the unjust and tyrannical laws of men. God's laws justify legal revolt against those unjust and totalitarian authorities and masters and justifies national uprisings against aggressors and tyrants.

It is clear that my Episcopal oath does not obligate me, Bishop Dionisije, to obedience and subordination to the Holy Episcopal Council and Patriarch if they err in their decisions and regulations. . . . And all the aforementioned decisions were brought under the pressure of Tito's Communist authorities. On this foundation the Holy Church deposed its Patriarchs (Macedonius, Nestorius, and others) and Bishops. On this foundation, the people deposed their unjust and tyrannical rulers.

This much to clarify the question of Church discipline and the Episcopal oath.

Yours humbly in the Lord,
Bishop Dionisije

St. Sava's Monastery
July 24, 1963
Libertyville, Illinois

PLAINTIFF'S EXHIBIT 152
THE SERBIAN ORTHODOX DIOCESE FOR AMERICA AND CANADA
ST. SAVA'S MONASTERY
LIBERTYVILLE, ILLINOIS
JUNE 12, 1963
DIOCESAN NO. 195

To All The Clergy, To All Church School Congregations Of The Serbian Orthodox Diocese For America and Canada:

Reverend Fathers, Dear Brothers:

We are informing you of the decision of the Diocesan Plenum of June 6th this year of the calling of the Diocesan Church National Assembly and send this supplementary invitation for participation in the Assembly.

According to the decision of the Church National Assembly of 1960 "the calling of the Assembly is performed by the jurisdictional Bishop that is the Diocesan Plenum." (Minutes Page 11). The jurisdictional Bishop called the Assembly into regular session and the Diocesan Plenum changed the date of the call to the month of August because of urgency in connection with the decision of the Holy Episcopal Council and Synod.

In connection with the adopted changes and amendments of the Constitution of our Diocese from the Assembly of 1960, you are informed that the committee of the Monastery of the Protection of the most Holy Mother of God in New Jersey with its elder is a member of the Plenum in good standing and, therefore, of the Assembly because that Monastery is under the jurisdiction of this Diocese. Please be informed of this in connection with paragraph 2 of the earlier invitation.

Also, please be informed that in connection with paragraph 4 of the earlier invitation according to the decision of the Church National Assembly of 1960, every congregation sends two delegates besides its President, who by virtue of his position is a member of the Assembly. The congregations elect two alternates who come in the event that any of the elected members cannot come.

We request that all church school congregations of our Diocese immediately begin the election of their delegates for the forthcoming Assembly and inform our diocesan office of the names of the delegates, the President, and the alternate, and submit their addresses no later than July 20, 1963.

Further, it is recommended to all priests and church school congregations to continue to regularly turn to our Diocese for all its questions, needs, and directives, for the concern here is for the preservation of the unity and wholeness of our Holy Church and our Diocese itself as they are.

All the remaining material and the agenda for the Assembly will be sent to you later, but soon.

REPORT OF THE DIOCESAN PLENUM

On the day of June 6, 1963 in the Monastery of St. Sava in Libertyville, a meeting was held of the Diocesan Plenum and at that time the following decision was brought forth:

1. The Plenum of the Serbian Orthodox Diocese for America and Canada states that this Plenum is not authorized to accept or reject the question of the division of the American and Canadian Diocese into three dioceses and for that reason the entire matter is transferred to the Church National Assembly which because of the urgency of the situation is called for

the days 6, 7, 8 and 9 of August 1963 in the St. Sava's Monastery in Libertyville in place of the earlier scheduled days 14, 15, and 16 October this year; and according to the rules and decisions of the last Church National Assembly held in September 1960. This decision was accepted unanimously.

2. It is decided further that a letter be sent to the Holy Synod with the warmest request that at the earliest possible time an investigating commission of the Synod be sent at the expense of the plaintiffs which will investigate and terminate the questions of the charges against our Bishop Lord Dionisije at the earliest possible time,—because according to the above decision no changes in the administration of this Diocese can be effected until the decision of the scheduled Church National Council. This point was accepted by all present (36), except two who voted against it (m.m.-m.d.).

In the name of the Diocesan Plenum of the American and Canadian Diocese:

Dr. Uros L. Seferovich
Vice-President of the
Diocesan Plenum

Archimandrite Dimitrije Balach
Diocesan Secretary

(SEAL)
(illegible)

PLAINTIFFS' EXHIBIT 154

BY-LAWS
PRIEST'S PENSION FUND
OF THE
SERBIAN ORTHODOX AMERICAN-CANADIAN
DIOCESE

Article 1.

The Pension Fund of the clergy of the Serbian Orthodox Diocese in the U.S.A. and Canada is instituted by the decision of the VII Church-national assembly of 1952 and began to function on January 1, 1953.

This Fund is untouchable and its resources are not to be used for anything other than the pensions of the priests and their families, according to the rules of these By-laws.

Article 2.

The initial reserve capital carried over to January 1, 1958, when the Fund becomes effective, remains untouched. The interest, regular payments, and other income will serve for the payment of pensions.

Article 3.

Revenue sources for this Fund are:

1. Regular monthly payments in the amount of $5.00;
   a) From every member of the clergy in the service of the church (either on a parish, in a monastery, or in the Diocese);
   b) From every church school congregation;
   c) From the monastery for every clergyman in the service of the monastery;
   d) From the Diocese for every clergyman in the service of the Diocese;
   e) From every clergyman in any other service, or even being without service, who has income or

benefits in money or other compensation in the minimum amount of $150.00 per month.

2. Regular monthly payment of $10.00 from every clergyman who willfully leaves the service of the church.
3. All other incomes of this Fund such as contributions, willed estates, interests, etc.

Article 4.

Every priest or priest-monk, or church school congregation, which, for no matter what reason, fails to make these payments, will be responsible to make all back payments into this Fund, beginning January 1, 1953, when the Fund was instituted.

Article 5.

Every newly-ordained priest in both orders, as well as the newly accepted clergyman, must pay into this Fund from the day he accepts his duties. He will give advanced, written promise concerning this.

Article 6.

Every priest, in both orders, as well as priests' widows and orphans, who fulfill the conditions of these Bylaws, have the right to pension.

Article 7.

Pension is paid when it is shown that a priest is disabled, or cannot carry out his priestly duties, or on the basis of an application rendered upon attaining 65 years of age.

Article 8.

The lawful spouses of the priests who are members of this Fund, who have been married according to Orthodox church rites by a canonical Orthodox clergyman, have a right to pension after the death of their respective husbands, until they remarry or until death.

The amount of widow's pension is equal to the personal pension which the member of the fund received, or which he would receive if he were alive.

Article 9.

Orphaned children of a priest will receive their parent's pension until they have attained 18 years of age.

Article 10.

On the basis of application, and documentary proof, and upon the motion of the Diocesan Ecclesiastical Court, the Diocesan Bishop will make the authoritative decision on pension and on the order to make payment of pension.

Article 11.

A priest, who through his own fault, loses the rank of priesthood, loses all rights to pension.

Article 12.

No priest has a right to have his payments returned to him before three years of payments have been made. If, after paying regularly into the Fund for three years, he asks that his money be returned, one third of the amount of his payments will be returned to him.

Article 13.

If a priest, a priest-monk, a priest's widow, or a priest's orphaned children qualify for a pension according to the Bylaws of this Fund, they do not lose their rights to the same regardless of where they reside.

Clergymen of this Diocese, who cease to be such by leaving the Diocese, on the basis of properly obtained canonical release, retain all rights in the Fund if they continue making their monthly payments.

Article 14.

A member is entitled to pension only after five full years of payments.

Article 15.

In event of the death of a contributor before 5 years of payments, the total payments will be refunded to his family.

Article 16.

Each year, the Diocesan Ecclesiastical Court, prior to the annual clergy assembly, will submit a report on the work and financial conditions of the Fund, and will accept suggestions for future work.

Article 18. (sic)

The Diocesan Ecclesiastical Court will administer the Pension Fund together with two clergymen—members of the Fund, who are elected by the clergy for 3 year terms.

The Ecclesiastical Court handles all administrative matters relative to this Fund.

Article 19.

The accounts of this Fund will be audited by the Diocesan Auditing Board twice yearly. The Auditing Board will then report its findings to the clergymen and church-school congregations.

Article 20.

Changes and amendments to these Bylaws will be made by the Diocesan church-national assembly.

Article 21.

These Bylaws were adopted at the VIII Diocesan church-national assembly 1956, Libertyville, Illinois, and were approved by the Holy Episcopal Synod of the Serbian Orthodox Patriarchate in Belgrade on November 26, 1957, under No.1424/minutes 669.

PENSION FUND TABLE OF THE CLERGY OF THE SERBIAN ORTHODOX AMERICAN-CANADIAN DIOCESE

Years of payments	Number of pensioners	Monthly pension	Annual pension	Total for all
6	2	$30.00	$360.00	$720.00
7	3	34.00	408.00	1128.00
8	4	38.00	456.00	1584.00
9	5	42.00	524.00	2108.00
10	6	46.00	552.00	2660.00
11	7	50.00	600.00	3260.00
12	8	53.00	636.00	3896.00
13	9	56.00	672.00	4568.00
14	10	59.00	708.00	5276.00
15	8	62.00	744.00	5952.00
16	7	65.00	780.00	5460.00
17	7	68.00	816.00	5712.00
18	7	71.00	852.00	5964.00

In the first year, from payments alone, in addition to paid pensions, there would remain in the clergy pension fund for carry over into the next year $5,280.00; and after 18 years, $29,712.00.

Interest on deposited money or other receipts from eventual investments of money are not entered in the table.

PLAINTIFFS' EXHIBIT 195A

Metropolitan of Zagreb
Confidential No. 9
January 24, 1963
in Zagreb

To the Holy Synod of Bishops of
the Serbian Orthodox Church
Belgrade

REPORT OF DELEGATION OF THE HOLY SYNOD OF BISHOPS ON ITS OFFICIAL VISIT TO THE SERBIAN ORTHODOX DIOCESE OF AMERICA AND CANADA

The Holy Assembly of Bishops of the Serbian Orthodox Church, by its decision AS 19/minutes 50, of June 12, 1962, recommended to the Holy Synod of Bishops, "to designate a delegation which will go to America, study all the posed questions on the spot in cooperation with His Grace, American-Canadian Bishop Dionisije, and to make concrete proposals for the next meeting of the Holy Assembly of Bishops." Such here so-called posed questions, the study of which is recommended in this decision, are mentioned in the first part of this same decision, and in connection with the decision of the Holy Synod of Bishops, No. 1712/1962, to-wit:

(1) Proposal of His Grace, American-Canadian Bishop Dionisije that his diocese be elevated to the rank of metropolitanate; (2) that territories in South America and South Africa be added to the same diocese; and (3) that a decision be rendered on the election to two to three assistant bishops. These are questions which were in recent years proposed by Bishop Dionisije himself, and also the diocesan council over there.

Executing the above decision of the Holy Assembly of Bishops, the Holy Synod of Bishops, by its Decision No. 1956/minutes 366, of June 29, 1962, appointed a delegation: His Eminence, the Metropolitan of Zagreb Damaskin, His Grace, Bishop of Backa, Nikanor, and proto-deacon Branislav Petrovich, Secretary of the Diocesan Executive Committee of the Arch-Bishopric of Belgrade-Karlovci.

In its decision, the Holy Synod of Bishops, in addition to previously mentioned three matters, put as a purpose of this delegation, "any other matters which the Delegation finds as pertinent and necessary." By this are included all those matters which are related to the American-Canadian Diocese, and which were discussed in the Holy Assembly of Bishops and Synod, but concerning which, for the most part, a decision was not rendered. These are the matters: (1) The question of changes of the Constitution of the American-Canadian Diocese (Synod No. 2676 of September 14, 1961, and letter from Bishop Dionisije No. 115 of February 11, 1962); (2) The question of the constant absence of Bishop Dionisije from the meetings of the Holy Assembly of Bishops (Synod No. 583/Minutes 84, March 2, 1962); (3) Decision of the Holy Assembly of Bishops and Synod by which Bishop Dionisije is asked "not to use his high church position for purposes which are not ecclesiastical" (AS#4/Minutes 49/62 and Synod No. 1850/Minutes 367 of June 29, 1962); (4) Charges against His Grace, Bishop Dionisije from the territory of the American-Canadian Diocese itself, which were forwarded to the Holy Synod or published in the press during the recent years; (5) Certain appearances and rumors which speak in favor of the tendency of eventual separation of the American-Canadian Diocese from the Serbian Patriarchate, and which rumors were recently in part connected with the name of Bishop Dionisije; and (6) a need which for the

last few years was more and more felt, that the Holy Assembly of Bishops should more closely be informed with the conditions in American-Canadian Diocese, and with the spiritual conditions and spiritual needs of our Serbian Orthodox people in it.

With this specified task, the Delegation of the Holy Synod of Bishops, with God's help, started on its journey on September 10, and returned on December 3, 1962. In the United States of America, the Delegation spent from September 13 to November 28 of the same year. Originally it was planned that all this trip should last about 45 days. However, since from the very beginning of our stay there many of our parishes expressed a desire to be visited by the Delegation, and since it was impossible to make all this in such a short time, the Delegation subsequently proposed to His Holiness, the Patriarch, and to the Holy Synod of Bishops that the stay of the Delegation be continued to the end of November of this year, which His Holiness Patriarch German and the Holy Synod of Bishops approved by its Decision Synod No. 2965/Minutes 537, of October 12, 1962.

Delegation has the honor of submitting to the Holy Synod of Bishops a report of this official trip.

I.

TRIP OF DELEGATION TO LIBERTYVILLE.

The trip of the Delegation to Libertyville, where the See of our American-Canadian Diocese is located, was planned through Paris, New York and Chicago; to Paris by train, and further, to New York and Chicago by jet airplane. Starting from Belgrade on September 10 in the evening, after serving a prayer service in the presence of His Holiness Patriarch German and members of the Holy Synod of Bishops, we arrived in Paris on September 12 in the morning, and there we spent half a day. During the short period we visited our small chapel (in the Romanian Orthodox Church), which temporarily serves as our parish church, where we served a Doxology, and later we called on our state representatives. During our passage through Paris, as well as on our return, our Delegation was wholeheartedly helped by the President of the church congregation in Paris, Dr. M. Matich, and Pastor V. Garic.

In the afternoon of the same day, September 12, we took a jet airplane for New York, and there we arrived after 7½ hours of flight. At the airport we were met by: archimandrite Firmilian, Pastor in New York and Bishop's Surrogate, and our general consul, Bogoljub Popovic, who helped us with the immigration authorities, and we easily received permission for our stay until December 2, 1962. With Father Firmilian we were met also by our two young priests: Father Vasily Vejnovich, Assistant Priest in New York, and Father Danilo Krstich, Doctoral candidate of theology at Harvard University. Thanking the general consul for his help and departing from him, we went with our clergy to our church, in our beautiful Church of Saint Sava in the middle of New York, a rare and rich possession of our Serbian Church congregation, bought, together with the parish house, under very reasonable conditions, from the Episcopal Church, and here we served a prayer service to the Holy Mother of God and Saint Sava.

Since the meeting of the Diocesan Council of the American-Canadian Diocese was called in Libertyville for September 14, of which we have been informed several days prior to our departure by His Grace, Bishop Dionisije, at this time we could not remain long in New York, but, leaving the realization of our program in New York for later, we started our journey for Chicago on September 13, again with a jet airplane, where we came on the same day in the

afternoon. We were met at the airport by His Grace, Bishop Dionisije, properly dressed, with a black veil, (while we traveled in civilian clothes), and in addition to him at the airport were Secretary of the Diocesan Executive Board, archimandrite Father Dimitrije Balach, as well as several clergymen from the vicinity with some of the faithful. Immediately from the airport we drove to Libertyville (about 50 minutes away from Chicago), and upon arriving there, we went to Monastery Church, dedicated to Saint Sava, where a prayer was offered by archimandrite Father Gregory Udichy, pastor from Youngwood, and member of the Diocesan Council. At the end of the prayer the Delegation was greeted by His Grace, Bishop Dionisije, who expressed his pleasure and joy that it was possible that in his diocese comes the Delegation from the Holy Assembly of Bishops and Synod and His Holiness Patriarch German, and that in this manner the ways be found and manner for resolving existing problems of the diocese, stating on that occasion that he stands for the unity of this diocese with the Serbian Church in the fatherland. In the name of the Delegation, His Eminence, Metropolitan Damaskin answered. "The Delegation of the Serbian Orthodox Church —stated His Eminence Metropolitan—comes to the diocese which is her living part, and integral part of the Serbian Patriarchate. Toward this her part, the Serbian Orthodox Church feels and expressed the love and care of a mother toward her children, but war conditions during the last war prevented, for a certain period, that relations between this diocese and the church in the fatherland to be practically and in total kept, and so, during this period, certain problems appeared. The Delegation of the Serbian Church is coming because of that: to establish in practice that relation and, on the spot, to learn about spiritual needs of our Serbian people, gathered in this diocese. In addition we are

bringing greetings and blessings from His Holiness the Serbian Patriarch German, to you, Your Grace, to the God-loving clergy of this diocese, as well as to our Orthodox Serbian people which is gathered around its church." Since in the Monastery Church itself is the tomb of Bishop Mardary, of Blessed Memory, the first bishop of this diocese and founder of the Monastery of St. Sava in Libertyville, on which tomb a permanent vigil lamp burns, and next to the church itself, on the right side, the grave of Bishop of Zicha, Nikolai, of Blessed Memory, is found, so next day we served a memorial service for both bishops.

II.

PRESENCE OF THE DELEGATION AT THE MEETING OF THE DIOCESAN COUNCIL AND AT CONVENTION OF FEDERATION OF SERBIAN SISTERS IN LIBERTYVILLE.

After the arrival of the Delegation in Libertyville, the first three days, 14 to 16, September, were used for meeting with the Diocesan Council of the American-Canadian Diocese, which meeting was summoned for September 14; to be present at the annual convention of the Federation of Circles of Serbian Sisters, and for officiating in the Monastery Church on Sunday, September 16th.

1. On the meeting of the Diocesan Council, the delegation was greeted by the President of the Council, His Grace Bishop Dionisije, who mainly repeated his words of greetings from the church, emphasizing that he and the Diocesan Council are for the unbreakable unity of the American Canadian Diocese with its mother church, the Serbian Patriarchate. It was given to be felt, perhaps not from the direct words of His Grace Bishop Dionisije, but such an impression was received, namely, that the delegation of

the Holy Synod of Bishops comes not only as an investigation commission, but with certain authorization as executive, so that President of the delegation, His Eminence Metropolitan Damaskin, greeting the Council on the part of His Holiness the Serbian Patriarch German, and Holy Bishops' Synod, explained and emphasized that the coming of the delegation has a prescribed purpose, in connection with the decision of the Holy Assembly of Bishops, and that is, mainly, those questions which the American-Canadian Diocese itself initiated, especially the question on the changes in the diocesan constitution. In addition to this, the purpose of this delegation is to re-establish normal relations broken by the last war of the Serbian Church in the fatherland with this our diocese. Therefore, the coming of our delegation here should be understood, before everything else, as a manifestation of the unity of our Serbian Church. The Diocesan Council unanimously greeted the speech of the President of the delegation, and after that it decided that the members of the delegation be guests of the Diocesan Council during their stay in Libertyville and, in general, in the United States of America.

At this occasion, the delegation, through the members of the Council, was in a position to partially become acquainted with the conditions in this diocese, and also it gave necessary information on the conditions of our Church in the fatherland, on theological schools, in which all of them were interested, on the repairs of churches destroyed during the war, and other things. Since on that day many clergymen were present and two general vicars, so by understanding with His Grace Bishop Dionisije, a schedule of visits of the delegation to our parishes and church congregations was made. Later that schedule was amended, since shortly many invitations from clergymen arrived that the delegation visit them. Because of that, as we mentioned above, the stay of the delegation in the United States was extended.

2. On Saturday, September 15, the annual regular convention of the Federation of Circles of Serbian Sisters was held. The Circle of Serbian Sisters is purely a church organization, at the parishes, in order to help the church executive board and pastor in keeping the church, church-school, and especially in caring for different church-school affairs. All those parish circles of sisters are organized into a federation, and in that way they benefit from mutual experience and help each other. The Work of the Federation is especially known in organizing summer children's camps at the diocesan properties in Libertyville, Shadeland, and Jackson, where, by work of the Federation, larger buildings were erected from that purpose.

At this assembly of the Federation of Circles of Sisters, which is held in their building on the Monastery property, the delegation was invited and warmly greeted. The delegation also was greeted at the banquet which was held at the end of the meeting, and all members of the delegation responded. However, in all those greetings the thought prevailed concerning the unity of the Serbian Church and the Serbian people, which unity is needed to them in immigration, and to us, in the old country. And when this great number of gathered sisters (probably about 300 with guests) sang in one voice: "Sumadijo, the place of our birth, to live there is like in paradise," and then in many eyes tears were seen, which are blessed, then we realized that the words on unity are not empty words.

Yes, it is a great work of the Federation of Circles of Serbian Sisters, and they deserve great thanks from the diocese. It should not be forgotten—that the present President of this Federation is Mrs. Andja Polich, wife of Mr. Theodore Polich, our great Serbian Church benefactors from Los Angeles.

3. This first Sunday, September 16, we spent in Libertyville. Holy liturgy was celebrated by His Eminence Metropolitan Damaskin. In addition to other clergymen, a member of the delegation, proto-deacon Father Branislav Petrovich, officiated. Since on that day the convention of the Federation of the Sisters was to be ended in the evening, so the Monastery Church of St. Sava could not receive all those who were gathered there. At the end of the service, His Eminence Metropolitan Damaskin handed to His Grace Bishop Dionisije sacred vessels for the Holy Communion, as a gift from His Holiness Serbian Patriarch German to the Church of St. Sava in Libertyville, for which His Grace Bishop Dionisije expressed thanks. Then His Eminence Metropolitan gave a sermon on Serbian saints and their meaning for Serbian people in history and at the present time. At this occasion it was mentioned that at the last meeting of the Holy Assembly of Bishops in June of this year, decisions were rendered on the establishment of the Names of Serbian saints and establishment of the Holy Day of the Holy Serbian Martyrs killed for Christ's faith. And these two facts, in addition to others, spoke to many present in the church that our Church is the fatherland is alive and that its spiritual strength was not drained.

III.

OFFICIAL DISCUSSING OF THE DELEGATION WITH HIS GRACE BISHOP DIONISIJE.

The main task of the delegation was to begin after the departure of the members of the Diocesan Council and the end of the convention of the Federation of Circles of Sisters, and that was the meeting and official discussion with His Grace Bishop Dionisije. This meeting was called by His Eminence Metropolitan Damaskin for Monday,

September 17, at the level of Bishops, since some questions which belong to the competence of the Holy Assembly of Bishops will be discussed, at least some of those questions. And this meeting of two Bishops, members of the delegation, with His Grace Bishop Dionisije, lasted from September 17 to 21, in the building of the Monastery in Libertyville, which serves as the Episcopal and Diocesan House, where the delegation stayed. Since the delegation was not authorized to render decisions, this meeting with His Grace Bishop Dionisije had an informative character: from His Grace Bishop Dionisije some explanations were sought in connection with matters which are previously mentioned, and to him certain necessary explanations were given. These were the matters which were discussed at this meeting.

1. As the first in order, the question of the elevation of the American-Canadian Diocese to the rank of Metropolitanate was touched upon. Immediately in the beginning of discussion, the delegation stated to His Grace Bishop Dionisije that he revoked his proposal in his letter to the Holy Synod of Bishops of the last year. He admitted that. But he nevertheless on this occasion explained that many reasons exist to support his previous proposal on this matter. The reasons are mostly external and less of internal nature. Namely, this diocese of ours in recent years is greatly enlarged. So now we have 74 parishes, in comparison with the year 1939, when we had 38 parishes and, according to latest information, about 200,000 souls. The diocese is well organized; it has qualified clergy, with a few exceptions, and large property by most church-school congregations. As such, this diocese enjoys certain reputation among Christian, and especially among Orthodox churches. However, all Orthodox churches in the United States of America are metropolitanates (at least we understood in

that way) and by that they are in the rank above our diocese. However, this proposal concerning the elevation of this diocese to the rank of Metropolia did not originate from him, as Bishop, but from the Church National Assembly in 1938, and then this proposal was renewed which corresponds to the truth. This, according to the words of Bishop Dionisije, would very positively resound among the people, which is very loyal to their church, and who sacrificed much, and on the other hand, the people will be more tied to its mother church when they see that the Serbian Church in the fatherland does not forget its diocese. We have to mention that these reasons the delegation heard later from other people, not as much from the clergy but from the laymen. In reply to this, the delegation explained how this question is connected with our Church Constitution. And since the change of the Constitution would provoke in itself other questions, it should not be insisted on this until after the Holy Assembly of Bishops discusses and decides this matter. After this, His Grace Bishop Dionisije stated that he personally does not insist on this.

2. The need of election of vicar bishops for the Diocese of America and Canada, His Grace Bishop Dionisije explained as follows:

(a) With the help of vicar bishops, a better and easier serving of this diocese will be secured, which is now in dimension very wide, and there are some prospects that it will be even larger.

(b) The help of vicar bishops is especially needed for performing more efficient supervision over church schools, both Sunday and catechismal, as well as supervision of schools in which the Serbian language is taught to Serbian youth. And at the same time vicar bishops would take in their hands direct supervision of these schools, which is impossible to the Bishop

himself. At the same time, help of vicar bishops is needed in supervision of the work of the Federation of Circles of Serbian Sisters, which expects and asks that.

(c) By the institution of vicars would be secured the administration of this diocese in case of the death of the Bishop, since by the Constitution it is provided that the Patriarch administers this widowed diocese, and the people would not allow that in any event, and a great confusion would be created.

(d) Finally, other Orthodox Churches in the United States are using this institution of vicar bishops, and in practice it was shown as very fruitful.

When His Grace Bishop Dionisije was told that our Church would not have anything against vicar bishops being given to this diocese, but only as vicars of His Holiness the Patriarch, as it was prescribed by our Constitution, he stated that this could not be accepted. It would be unacceptable because he would not trust such persons; and on the other hand, those vicars which would come from Yugoslavia—and because they are coming from over there—the clergy and the people in America would not accept them. After a discussion on this matter, seemingly a compromise was reached, namely that vicars be elected as vicars of His Holiness the Patriarch, but they should be from American-Canadian Diocese, and not as new for this Diocese from Yugoslavia. On this occasion His Grace Bishop Dionisije stated that he would himself propose candidates as vicars. But the next day, it seemed that he rejected this. In general, up until the day of the delegation's departure, he did not submit any kind of enclosure which contained this kind of proposal. But regardless of this, this kind of combination would be possible to realize, since America and Canada, as is known to the Holy Synod, we have candidates who could be taken into consideration for election of vicars for this

diocese, and concerning which a word will be said in this report later.

We could not do otherwise, but to pause at all these statements of Bishop Dionisije that candidates for vicars under no circumstances could be as new ones from Yugoslavia. We do not have reason to doubt that this is a sincere opinion of His Grace Bishop Dionisije. And it is not only his opinion. We heard this later on our trip from other persons. But we have the impression that it would be wrong to consider total exclusion of the possibility that as a vicars someone comes from Yugoslavia. We later heard from some other clergymen that this possibility is not excluded. Only in that case, this could be realized only if that candidate would be sent earlier, before election, and if some official mission will be given to him and possibly that he spent there several months so the clergy and people can know him.

3. Much of the time was also spent in the meeting with His Grace Bishop Dionisije in discussion on diaspora, and with his request sent to the Holy Synod of Bishops previously that to this American-Canadian Diocese should be extended to include South America and South Africa.

His Grace Bishop Dionisije explained his proposal like this. In South America there are ten Serbian parishes (in our notation we did not make how many, according to his opinion, there are parishes in South Africa). These parishes are served mainly by the Russian clergymen, or they are not served at all. No connection exists between these parishes and the American-Canadian Diocese, which is closest, and that circumstance that they are practically and totally deserted from our higher church authorities has its bad results. That is felt by the people, and because of that our men from over there turned to the diocese in Libertyville for spiritual help, and the Church is obliged to help

them. It is especially important that these parishes receive our Serbian clergymen. From experience we know that the Serbian parishes never progress in adequate measure if they do not have their own clergy.

In order that this part of our Serbian Orthodox Church be saved, added his Grace Bishop Dionisije, it is most natural that it be entrusted to the American-Canadian Bishop for administration, because Libertyville is incomparably closer to these parishes of ours than Belgrade. But to leave this question unresolved would mean exposing them to the danger that they would be completely dissipated. In giving significance to this question, the Diocesan Council of the American-Canadian Diocese, as we have learned from others, has assigned to His Grace Bishop Dionisije $5,000.00 in order to visit some of those parishes in South America. But until our arrival he had not done this probably because in the recent years he resigned from administering these parishes.

The delegation cautioned his Grace Dionisije that he was entrusted with the care of those parishes in South America, but that he himself in recent years renounced it. On this he replied that this was a very important question that it is necessary that the Holy Assembly of Bishops resolves it in the manner so that South America and South Africa would be added to the American-Canadian Diocese until conditions are not created for the creation of dioceses over there. To this kind of temporary solution that he govern those parishes by authorization of his Holiness the Patriarch he does not agree.

During this discussion his Grace Dionisije expressed several of his thoughts and proposals in connection with the Diaspora General.

a) He considers that for Australia a bishop should be consecrated because there are ten to twelve parishes

over there and more than 30,000 souls. However that continent is too far away from both America and Europe that those parishes could be easily administered from there. That is why some Orthodox Churches over there have their Bishops even with a fewer number of their members.

b) It is necessary according to the opinion of Bishop Dionisije to appoint a bishop for Europe and See in London or a Vicar who would reside in Europe; It would be necessary to elect a person as Bishop in whom our refugees have confidence.

c) This Bishop would have to be paid by the church and not by the State.

d) The Episcopalians offered to help support one of our Bishops in Australia for several years. The Serbian Chuuch—National Assembly would also help in this. After his Grace Bishop Dionisije mentioned that the American-Canadian Diocese could help the support of a Bishop for Europe and Australia.

e) In Paris there are over 10,000 Serbs. It is necessary that in Paris a Church center be created for the Serbian refugees. The damage is great but no attention has been paid to this.

f) On this occasion His Grace Bishop Dionisije declared that he did not send a circular letter to parishes in Western Europe that they break away from the jurisdiction of His Holiness the Patriarch, and that he did not reply to Milan Jovanovich to his letter concerning breaking away.

After the completed discussions with His Grace Bishop Dionisije concerning these subjects which were placed in the assignment of the delegation as the main subjects, we went on to other subjects, mainly to those which are mentioned already in the introduction of this report. They are these questions:

4. First of all, the question of changes to the Constitution of the American-Canadian Diocese was initiated. This question was initiated by the Bishop himself explaining that the time and circumstances, as also the development of the diocese, demand certain changes of this Constitution. That is why a special commission was appointed.

The delegation replied to his Grace Dionisije that it is not authorized to go in depth into this subject, that is the studying of the material of this subject itself, as to what could be changed and what can not. The delegation, therefore, does not have the right to debate concerning this. But the delegation declares in the name of his Holiness the Patriarch and the Holy Synod of Bishops the following: "If there is a proven need for changes in the Constitution of this Diocese, then this constitution can be in part changed, but those changes cannot be in conflict with the regulations of the existing constitution of the Serbian Orthodox Church but must be within their limits." They can in time when the subject is compiled, directed to the Holy Synod of Bishops.

5. Here in a mutual discussion were mentioned the questions concerning the constant absence of his Grace Dionisije from meetings of the Holy Assembly of Bishops and the decisions of the Holy Assembly of Bishops and the Synod (quoted previously in this report) that the Bishop "does not use his high church position for purposes which are not ecclesiastical." The delegation observed to Bishop Dionisije that not only does he act contrary to the Canons and regulations by not coming to the meetings of the Holy Assembly of Bishops, but that he does not send to the Holy Assembly of Bishops his annual report which also belongs to his duty.

Concerning the first subject, absence from the meetings of the Holy Assembly of Bishops, his Grace Dionisije cites that there were objective reasons and difficulties for this, but last year the Diocesan Council actually rendered a decision against his going to Yugoslavia. Now the Bishop declared that he accepts into acknowledgement this observation and recommendation, but he considers that still for a certain period of time he could not come over here, precisely in the interest of the church, as he added at the end.

In regard to the second subject, however, His Grace Dionisije considers that for that the relationship, under discussion, the fault is not only his. And he mentioned some cases. That is how he sought from our competent authorities (1954-55) to allow without tax or duty paraffin for the Patriarchate at that time when it was very necessary for the Patriarchate. But that paraffin arrived in Trieste and was sold there, and never did arrive to our church. In the same way Corporals were sent with great difficulty. Relative to this it was especially emphasized how the separation of the Macedonian church without the agreement of the Serbian Patriarchate caused the great revolt among our people in the United States of America, and in the same way the uncanonical visit of Bishop Naum to some churches of the American-Canadian Serbian Diocese. His Grace Dionisije had to issue a special circular against this through the newspaper. (Here is enclosed that circular under Number 1.) And on this occasion he protested against this. He mentioned some other cases which have disturbed that relationship which is ascribed to him. But at the end of the discussions his Grace Dionisije agreed with the point of view of the delegation that there are other ways of help by which our church can be helped, and he declared that "The diocese is prepared to approach a

lessening of sharpness with the State Authorities, but that state must also work on this." In this regard he mentioned several subjects which it appeared is especially of interest to him. These are: a) Certain duty tax relief for things which are sent to the Serbian Church and which actually serve for her renewal after the devastation of the war; b) The opening of one more Seminary so that the needs of the entire church for clergy would be satisfied, and c) the exemption from nationalization of the church property on Drachar in Belgrade, on which the building of the church of St. Sava had begun which was stopped during the war.

Concerning this last subject, the exemption from nationalization of the property on which the building of the St. Sava Church had begun, it appears that this year (1962) a great interest has been shown concerning this and for the beginning of an action for the collecting of donations, so that the church can be built exclusively from donations from immigrants. It would appear that this action had begun after the return from the old country of a number of the diocesan council and the Episcopal Deputy Arch Priest Milan Brkich, who published an article about this. This would explain that we, during our visits to many of the large parishes in the U.S.A., encountered in many of them this desire and plea—that the Holy Synod of Bishops by its endeavors helps to bring this about. We should not be surprised by this great interest of our immigrants for the Church of St. Sava because our great Saint is for them very dear and very popular. To them, it appears, he serves as a protection against dissipation as a people. This would explain that in our American Diocese there are more than 10 churches dedicated to him, more than there are in our entire Church, as was mentioned by one of our Priests on one occasion.

6. In these discussions of the delegation with his Grace Bishop Dionisije the time passed very quickly, and the determined limit of time approached when we had to conclude our discussions, since we, according to a determined program, had to begin our visits to the parishes and church congregations. Therefore, we hurried to use the remaining hours to treat the subjects which we could not neglect. We are talking here about comments which this delegation had to direct to His Grace Dionisije and concerning the complaints which exist against him on the part of individuals from the American-Canadian Diocese itself.

(a) The delegation of the Holy Synod of Bishops could not free itself from the impression, which it had even prior to arrival in the U. S. A., that the instituted action for the separation of this Diocese from the Serbian Church—if that action concretely and organizationally exists—is not without some connection with the person of His Grace Bishop Dionisije himself. That impression was strengthened by his circular letter of June 1, 1962, which was published in the newspapers over there, in which he sharply comes out against the Holy Senate of Bishops for not receiving his delegation, and in general because his demands are not being met, and which concludes with the words: "I today take all for myself every responsibility for the consequences which can issue. May God help us." (This circular is enclosed, which bears the title "Important Announcement" in the enclosures with this report under No. 2.) His circular letter to the Clergy is of a similar content (of similar content with regard to his relations toward the Serbian Church in the Fatherland) of July 25, 1959, in which he says, "Which Bishop, with a passport of the Yugoslav Atheistic Authorities, would be greeted in our Diocese with open hands? Who would recognize him and receive him? . . . A schism would be created . . ."

(enclosure No. [sic]). And even after the arrival of our delegation, that is, even after this our conference which we are here describing, he publishes in the *Canadian Srbobran* an article "Before the Arrival of the Patriarchal Delegation," in which, it is true he does greet the delegation, but again he brings out in public his demands which he directed to the Holy Synod of Bishops, and again in that same tone, and in the same manner as in "Important Announcement" (see enclosure No. 4). And that relationship of his towards the unity of the Church can be seen also from his letter directed to a private party (see enclosure No. 5). The delegation, therefore, had reasons, both on the basis of the above-mentioned and also on the basis of reports which it had received already in the first few days, to discuss this subject, that this is the type of behavior of his Grace Dionisije towards the Serbian Church, and towards the unity of the Church, to discuss it openly, and the delegation did this on this occasion, making clear to him comments on this his relationship towards the Holy Synod of Bishops, towards His Holiness the Patriarch, and the Serbian Church in general, which in no case could be tolerated.

It was especially commented upon to His Grace Dionisije why he gives that subject the subject of his polemics with the Holy Synod of Bishops which are purely of an internal church nature such wide publicity. "For is that the manner in which a member of the Holy Assembly of Bishops communicates with his Church?" "Why that is war. That is how one acts when all other methods of normal communication cease. And those means for you are always in existence and exist. You always could, if your mail is not adequately trustworthy, you could have sent your Episcopal Deputy or a delegate or a courier. Why send a delegation of the Diocesan Council? Why didn't you send

your authorized representative who could have in the See of the central church discussed the questions which interest you so much? Instead of this, we carry on polemics through the newspapers, knowing that we in the Fatherland do not receive those newspapers, and therefore are not even able to reply, and why all this?" This comment by the delegation was repeated to His Grace Dionisije in the presence of the Diocesan Council when this Council for the second time was summoned prior to our departure from the U. S. A.

Bishop Dionisije did not make any reply to this last comment, neither on this occasion nor in the presence of the Council. But in connection with comments concerning the separation of the Diocese from the Serbian Patriarchate declared, and he did this again several times at banquets, that he always was and now is for the preservation of the unity of the American Canadian Diocese with the Serbian Church and the Fatherland, and that he shall defend this unity as long as he is at the head of the Diocese. But that he cannot change his stand towards the governing regime, which is in unfriendly relations towards the Serbian Church, the reason for which—he considers—that the Church is not completely independent.

(b) Lastly, the complaints which exist in the Holy Synod of Bishops against him were dealt with. It could be observed that His Grace the Bishop expected his subject as the most important, and as the main purpose of this delegation. From the first day of our arrival he made allusions to this, and, naturally, he was not calm towards this.

The delegation yet in the beginning of the discussions concerning this subject stated that it did not come in the capacity of an investigative commission concerning this subject. Its purpose is, as had already been stated, to

discuss with him and with the representatives of the Diocese the questions which he initiated for the Holy Synod of Bishops, and to become acquainted with the conditions in the Diocese, and her spiritual needs. But the delegation is obliged to tell him that against them there exists in the Holy Synod of Bishops for the last number of years many complaints, both with regard to his work and also with regard to his life.—On this occasion the delegation did not enumerate all of these complaints, because it was not authorized for this. In any event, all the complaints against Bishop Dionisije were not even taken. But he was forewarned that among those complaints there are such that the Holy Synod of Bishops could not easily overlook, and that something sooner or later would have to be undertaken. Therefore, on the part of the Holy Senate of Bishops, it is recommended to him that he does not give cause for complaints, and in addition to this, to find a means to smooth out and to cease in that sharpness and that unfriendliness felt by those towards him who do not have any other way out, but to turn to the Holy Synod with complaints against him.

His Grace Dionisije said that these complaints against him can exist from a variety of reasons, as of a personal nature and also of a political nature. Because over there among them there are various groups, and it wouldn't be surprising that someone, especially for those political reasons, desires to spite him or to hinder him in his national work. But he, by reason of the discussions of this subject, demands and requests that everything which exists against him, be sent, and that he will then give his reply to every complaint.

Since our delegation during the course of the first several days of its stay was informed that the delegation would be subsequently given new complaints against Bishop

Dionisije, with this we concluded our discussion concerning this subject. And subsequently in this report will be entered information concerning these new complaints which will be enclosed with the report.

7. The last subject discussed at this conference between the delegation and His Grace Dionisije was concerning the nuns for the monastery at the Most Holy Mother of God in Shadeland.

Shadeland is a large diocesan estate about 500 miles away from Libertyville and near Pittsburgh. This property was purchased by the diocese several years ago; as we have learned there is still a debt on the property. In our notes, we do not have the accurate size of this diocesan property, but in any case it is larger than 100 acres; we had to go around it by auto. Earlier that was a prominent estate, I believe, for livestock. Now a great deal of it is wooded, and the remainder are fields and pastures and land for cultivation. There are several good buildings on the estate; and in recent years Mrs. Polich built a large modern building for the children's camp. In addition to the home for the aged where our men reside, there is also a small chapel. The estate is administered by a Priest Monk who serves in the chapel from time to time. The building of a large church on the estate is now being planned and already a collection of donations for this purpose has begun.

According to the words of His Grace Dionisije, a convent needs to be founded here. And when the very nice location of this estate is taken into consideration, its richness and also its distance from the larger cities, it must be admitted that it would correspond to its intended purpose. Only the question is posed as how to get some nuns. Since it is the desire of our people over there that that be a Serbian Monastery and not a Russian one, His Grace the Bishop then turns to his Holiness Patriarch German

with the plea that he send him from the Fatherland some of our nuns, at least 4 or 5 in the beginning, in the belief that that number will quickly increase from the midst of our Sisters over there. It is necessary, as he says, only to begin with God's help with several experienced and spiritual nuns, and he is convinced, considering the facilities which exist there, that that would be able to become one of our spiritual centers.

And now, during our conversations, His Grace Dionisije complained a great deal as to why His Holiness did not accommodate him in this request of his. Understandingly great significance that a well-organized convent with such wealth could have for our diocese in the U. S. A., the delegation immediately wrote to His Holiness and sincerely recommended the desire and plea of His Grace Bishop Dionisije. The delegation also does this on this occasion, considering this as a very important question which needs to be given attention.

With this the conference of his delegation with His Grace Bishop Dionisije was concluded on September 21.—During the second part of the conference the third member of the delegation, Protodeacon Branislav Petrovich, also participated, who was absent only when discussions concerned complaints against Bishop Dionisije.

IV.

VISITS TO PARISHES AND CHURCH CONGREGATIONS

On September 23 our visits to parishes, that is to parishes and church congregations of our Serbian Orthodox American-Canadian Diocese began. These visits would last until November 26.

Before going on to describe our visits, we will mention our visits to our State Representatives in Chicago and New York, as also the Embassy in Washington. Everywhere the representatives of our country greeted the delegation very accommodatingly, placing at our disposal their service and help insofar as it might be needed. In Pittsburgh it was not possible for us to do this; but our consul on two occasions visited the head of our delegation, expressing an interest in the condition of the delegation and for any eventual needs. Therefore, we deem it on this occasion as our duty to express our acknowledgment to our representatives, which we have done at the appropriate place after our return.—Since during our travels in California we arrived in San Francisco in the evening, and already we had to leave in the morning to go further, since we were expected according to a predetermined program already in another place that is in Los Angeles, the delegation was not able to pay a call on our representatives in San Francisco, and so upon our return to Chicago, we informed them of this.

Concerning our visits to our parishes, it was originally planned that we visit only the larger parishes, and that only on Sundays and on greater holidays. However, when it was seen how large a number of our parishes desired to see and greet the delegation, it was decided to also make visits on week-days. And only in this way could we succeed in visiting a larger number of our parishes. But in addition to using week-days for this purpose, it was sometimes necessary for the delegation during the course of one day to visit two parishes, and in one to serve the Holy Liturgy and in the other Vespers. And there were occasions when the delegation had to split up, so that on one day one Bishop member of the delegation would serve in one parish while the other would serve in another parish. Although a program such as this—which was not possible to shorten

—required obviously a great deal of effort, the delegation nevertheless, with God's help, succeeded in carrying it out to the end. That program with all of its component parts (Divine services, sermons and greetings to the people, banquets, many speeches and greetings of the delegation of His Holiness the Patriarch and the Serbian Church, speeches by members of the delegation, conversations and explanations and at the end concerts with elaborate programs from the field of Serbian national music and folklore). So our delegation within a period of 64 days of constant movement, from September 23 to November 25, inclusively, visited 39 churches and parishes (including here Libertyville where we served the first few days, prior to our departure to visit the parishes). Enclosed with this report is a list of the places visited, together with a map of the U. S. A. (see enclosure No. 6).—The largest number of the parishes visited are located in the States: Ohio, Pennsylvania, Illinois and California.

On this journey His Grace Dionisije was not always with the delegation. He was in several places, as in Chicago, St. Louis, South Bend, Indiana Harbor, Joliet, Pittsburgh and Los Angeles, where he served together with the members of the delegation. The remainder of the parishes the delegation visited alone. Nevertheless, it must be admitted that His Grace Bishop Dionisije was accommodating towards the delegation, as during its stay in Libertyville, so also in general, and he showed brotherly concern that everywhere means of transportation was made possible for the delegation, as well as lodgings on its journey; towards this end His Grace Dionisije issued a circular letter to the Clergy to brotherly receive the delegation, and also to collect donations for our Patriarchate (see enclosure No. .... [sic], even though during the course of our journey the head of our delegation always issued a qualifying statement con-

cerning this, emphasizing that that was not the purpose of our journey, but that the purpose was the manifestation and establishment of the unity of our church).

Concerning the reception itself, which the delegation encountered on this journey throughout the American-Canadian Diocese, that truly is not easy to describe in a few words. Such a brotherly and sincere reception greeted the delegation everywhere, both on the part of our Clergy and our God-loving Serbian people. The attitude of the Clergy towards our journey can best be seen from the resolution of the Clergy of the Episcopal District for the Midwest rendered on October 4, when we were already on our journey, and which we cannot do otherwise but to enter it here in this report in its entirety. It states:

RESOLUTION OF THE SERBIAN ORTHODOX CLERGY OF THE AMERICAN-CANADIAN DIOCESE IN THE EPISCOPAL DISTRICT FOR THE MIDWEST

The Serbian Orthodox Clergy of the American-Canadian Diocese, in the Episcopal District for the Midwest, at its regular meeting held at St. Sava Monastery in Libertyville, October 4, 1962, under the presidency of the Episcopal Deputy the Very Reverend Arch Priest Milan Brkich,—relative to the question of point 2 of the Agenda, which states, "our stand with regard to the relations between this Diocese, our Patriarchate in Belgrade," and upon a hearing the report of the Very Reverend Father Brkich, the official emissary of our diocese to the Serbian Patriarchate in Belgrade, which visit he recently made—and after a detailed discussion of the present condition in our diocese, and in connection with the arrival and stay of the delegation of the Holy Assembly of Bishops from Belgrade, unanimously renders in full brotherly accord, the following:

RESOLUTION

1. We firmly stand on the position of full and dogmatic and canonical unity with the Serbian Orthodox Church in the fatherland, headed by his Holiness the Serbian Patriarch and the Holy Assembly of Bishops, which are competent to decide upon all dogmatic—canonical questions of the American-Canadian Diocese, in accordance with the Holy Canons of the Orthodox Church, the Constitution of the Serbian Patriarchate and the Constitution of the American-Canadian Diocese.

2. We most sincerely and as sons greet the delegation of the Holy Assembly of Bishops, headed by His Eminence Metropolitan of Zagreb Damaskin, the representatives of our martyr mother church.

3. We most sharply condemn and reject the provocative, unreasonable and untrue writings of some immigrant newspapers, in connection with the mentioned delegation.

4. We firmly condemn all unkind, unfounded and provocative attacks of individuals and groups upon the high church dignitaries of our Holy Church, on the occasion of their visits to our parishes and Serbian Centers in America and Canada. (Note Footnote #1).

5. We very warmly recommend to our church congregations and people to sincerely receive the delegation of our Holy Church, to invite and receive them in a Serbian and Orthodox Christian manner, and to give them an opportunity to come into a direct connection with as large a number of our people as possible in our diocese, as expressed in the directive recommendation of our competent

---

(Footnote #1) This reference refers to an incident in Cleveland, immediately at the beginning of the journey of the delegation to the parishes, concerning which a word will be said in this report, as also concerning some attacks in the newspapers.

Bishop Dionisije, of August 18, 1962, directed to all clergy, church school congregations and members of the Diocesan Executive Board and Court.

6. We request from the Executive Board of our Clergy association of the American-Canadian Diocese in accordance with its By-laws to immediately summon a special assembly of the association, (See Footnote #2) and we request from His Grace Bishop Dionisije to summon an assembly of the entire diocesan clergy, in order to present us the opportunity to greet the delegation of the Holy Assembly and Bishops together.

7. Request the editorial staffs of our Patriotic Newspapers in America and Canada to publish this resolution.

PRESENT:

"Here follow the signatures of sixteen (16) priects (see Enclosure No. 3)."

This relationship and such disposition of our Serbian Clergy in this Diocese towards the delegation and towards the unity of our church was witnessed to not only in the above mentioned Episcopal District, but everywhere, wherever the delegation appeared. For the delegation it was a joy and a spiritual rest to spend in their hospitable homes a few moments and in some places a day or two, and to become acquainted with their zealous work in the church and in the school. And how close the delegation was to them could be judged by this also but many of them, not only twice but even three and four times visited the neighboring parishes that they might again participate with the delegation and divine services.

(Footnote #2) The clergy Association later had its assembly which our delegation was greeted, which was present, which will also be reported in this report.

The delegation encountered the same kind of brotherly and sincere reception on its journey from our Serbian God Loving people, everywhere, without exception. One should really have seen how in such great numbers they greeted the delegation and attended the Divine Services and sermons! And one should really have seen those banquets and those affairs in honor of the delegation! And likewise to hear their greeting speeches, directed not only to the representatives of the church but to our entire Serbian Church and to our people! Who could recorl all of that and reproduce it!—The head or the delegation therefore on two occasions mentioned at banquets that our delegation actually did not have any need to speak about the unity of the Serbian Church, because the people themselves so expressly and enthusiastically manifested this everywhere,—and upon our departure one needs only to hear their greetings to their church in the old country! • • • • "Give our greetings to our martyred church" • • • • "Give our greetings to our Country!" • • • "Do not forget us•"—perhaps one of our older priests was correct when he commented to us that our coming provoked more tears than joy. So let it be. Tears, it seems, make us more sober and understanding.

When we were departing for this journey we were told by a number of people in Belgrade, that we should not be surprised if over here we encounter unfriendly dispositions or perhaps even obstacles, and this on the part of those who are against every connection with our Church in Yugoslavia. And we did, naturally, think about this. However those attacks did never find any great expression, and certainly they didn't have any results. Since we did not have time to read the newspapers at all, we only heard from time to time from our friends about some article in the "Serbian struggle" against the delegation, or in some

circular. (In the enclosures with this report there are two such articles under No. 9). And so we, having been greeted on our journey everywhere so friendly and sincerely, have completely forgotten about those warnings received prior to our departure from Belgrade. Nevertheless ....

One evening, returning to our lodging after a concluded banquet which was prepared in our honor and one of our larger parishes, the head of the delegation inquired of the president of the church congregation, who was driving us with his car, and who had another person beside him:

—Tell me, Brother President, is that brother sitting next to you also a member of the Church School Congregational Board?

Oh, no, Your Eminence. He is a Police Detective, our Serb.—

—My, Woe betide me! Why a detective,

—Do not be surprised, Sir Bishop,—our new acquaintance would remark—why the six of us guarded you all day. We will not allow any "bright heads" to ruin our receptions which we have prepared for our Dear Guests from the old country.

And afterwards we learned that this was not a singular instance of this kind. And then we even became suspicious when during our visits to some parishes, we were met by the police on motorcycles or in automobiles, and thusly went to the procession to the church. Our people told us that that was all "for the sake of a parade." Perhaps this was so, but also perhaps it was because of those "bright heads." From this can be seen how much effort and care our people here have made not only to prepare a reception for the delegation, but also to assure its security.

Thanks to God's help, and very possibly the mentioned concern of our brother clergy and other brethren and sis-

ters, this entire journey of the delegation throughout the diocese was conducted without any instance and without any mishaps. That which transpired in Cleveland was not any attack upon us. To the contrary, that was our reaction to the ubecoming request of the Pastor there that the delegation give an explanation concerning the Macedonian Church and concerning the requests of Bishop Dionisije, but especially that was our reaction to the speeches of Bishop Dionisije made up to then, in which and in the presence of the delegation he very sharply and crudely attacked our country and thereby brought our delegation in a very difficult position and simply made it impossible for us to perform our church mission for which we had come. So the head of the delegation was forced in his speech to call to the attention of the Pastor there that the Serbian Church knows its duty and that it performs its duty; that she works, but does not speak much, and that he too would need to act in this manner. This was told to him publicly in the presence of a small number of people present (about twenty people or so). And on this occasion the head of the delegation sharply commented to Bishop Dionisije not only in the room, that he no longer would allow in any way such behavior on his part and his provoking delegation, and that the delegation will publicly before everyone sharply come out against him, if this is repeated. After this the delegation left the parish house and traveled further according to its prescribed program. —The result of this little conflict was surely positive for the delegation, because after this Bishop Dionisije did not in the presence of the delegation act in this manner, and everything was in order. And concerning the Executive Board of the Cleveland Church Congregation, its President and Secretary met with our delegation five weeks later in Aliquippa, on the occasion of our visit to Aliquippa, and

invited the head of the delegation to come in May of 1963 and to consecrate the new church in Cleveland, for which they will bear all traveling expenses.

In this chapter were mentioned some Articles in the newspaper concerning our delegation, and only one newspaper was mentioned. Actually, in the USA there is a lively interest on the part of our Serbian press for church life and also concerning the church problems and questions. However, it was not possible at all for our delegation to follow those comments concerning our journey in the press. Such an informative service was not organized at all, and this is what we lacked. We were only informed from time to time concerning some published articles in connection with the visit of the delegation. Regardless of our incomplete information on this subject, it was well known to us how interested in this matter—both in regard to the arrival of the delegation, so also in regard to the energetic defense of our church unity and lawful ties. Was the newspaper *Voice of the Canadian Serbs,* which is published in Windsor (Canada); which immediately after the "important announcement" of Bishop Dionisije, published several professional articles in benefit and defense of the Serbian Church; and it acted in the same manner on the occasion of the arrival of the delegation in the USA, by its articles in behalf of the delegation was undoubtedly of help to it, since the newspaper itself enjoys the nice reputation also among our immigrants in the USA. We believe that we will not be in error if we say that the credit for this belongs both to the editor and also to the Archpriest Stevan Lastavica and M. Mijatovich.—Unfortunately, we do not have on hand all of those articles and are not able to enclose them here with this report. However, in case of need they can easily be obtained.

As we have previously mentioned in this report about how the delegation was greeted on its journey in the speeches of the clergy and representatives of the church congregation and other national organizations, and upon our reception in the churches, and during banquets, we consider it necessary to enclose with this report three such speeches of greeting, from which can be seen how they viewed this journey of our delegation (enclosure No. ...., a, b, and c, of which a significant speech is that under a).—Enclosed herewith, as enclosure No. .... also The Resolution of the Congress of the Serbian National Defense in America concerning the unity of the Serbian Church ("Slovoda" of July 15, 1962).

Lastly, in this chapter, during our description of our journey throughout the Diocese, we will again mention the collection of donations on the part of the parishes and church congregations for our church in the fatherland. This collection of donations was recommended to the clergy by his Grace Bishop Dionisije. But this would have probably been done even without that, since our hospitable people always gladly sacrifice for the church. So also this time donations were collected for our Patriarchate, even though we, as we have stated before, expressed our reservations about this. According to that circular letter of Bishop Dionisije, the donations were to have been sent directly to him, and in the beginning while he was with us on our journey, they were handed over to him. But after this the priests have told us that it is the general wish of all that these donations be given to us directly, as if that would be the surest way that they would be used according to their intentions. And so the delegation received these donations and according to a list of donors, submitted it to the Holy Synod of Bishops. Subsequently another donation was sent

from Steubenville in the name of the head of the delegation, and it too was sent to the Holy Synod of Bishops on the occasion of the transferring of these donations, the delegation asked His Holiness the Patriarch to issue a directive that all donors be sent a receipt of acknowledgement of the receipt of the donations.

V.

IMPRESSIONS AND OBSERVATIONS DURING THE VISIT OF THE PARISHES

Perhaps it would be expected from this delegation while submitting this report, to submit also a detailed statistical data concerning this diocese, which would certainly be necessary. But it is not possible for the delegation to do this since it did not have time to gather them, even though it thought about this. And so the delegation requested of His Grace Bishop Dionisije to send every year from now on to the Holy Synod of Bishops his yearly report, and to send this data at the first opportunity.

Instead of that, the delegation will bring out only its impressions about the church congregations and parishes which it had the opportunity to visit, as also certain data and observations concerning pastors, and concerning the monasteries.

1. Immediately in the beginning it was established that there had been a great growth in the number of parishes in the church congregations during the last twenty years; there was a similar such growth in the number of pastors, which is a very encouraging fact. The delegation had the occasion to hear that that was not only to the credit of His Grace the Bishop, but that that entire progress is shown thanks to the great interest of our people for their church organization, which they view not only as a moral

strength and foundation for the preservation of their religious and spiritual life, but also for the preservation of their language and their national heritage. However, although it cannot be denied, for the important participation of our people themselves cannot be lessened in this progress of the diocese, it is nevertheless obvious that in all of this, great credit cannot be denied to the competent bishop, and in this case His Grace Bishop Dionisije. Because we can note that without the Bishop, or against his will, truly nothing could be done. Consequently we were not very much surprised when we heard of the participation of Bishop Dionisije and this entire progress of the diocese and his credit for this having heard other opinions, namely opinions which spoke a great deal to his benefit. One such opinion, which could not be easily overlooked, we enclose with this report as enclosure No. 7 (last page of enclosure).

2. Thanks to the mentioned sacrifices of our people for the progress of the church, the church congregations which we had the opportunity to visit are truly in a very good economic position. Each of them has a very nice church, well kept, and clean. The churches are frequently large and truly serve as a declaration for that region. The tendency is observed that they are for the most part built in the Serbian Byzantine style, such that a visitor is surprised when at such a distance from the fatherland he notices a transplanted Gravanica or Grachanica or some other of our ancient memoral churches. The desire for the preservation of our style goes so far that even for some churches the Holy Icon-screens are ordered from as far away as Serbia and Macedonia. Alongside, the Church always built a very comfortable parish house, and together and decides that a building or a section for the church school, and also

a large hall for church functions. It was a surprise for us to hear that for these church buildings, together with the temple, the cost in some church congregations was up to a million dollars.—That is why it did not seem unrealistic to us when our people began to speak with enthusiasm that they would easily collect the necessary money for the building of the church of St. Sava in Belgrade.

But the interest of our church congregations is not limited only to the building of churches and church buildings. No. All of this serves them as a center around which our people continually gather. Their entire life is concentrated around the church. Naturally, they attend in large numbers regularly the divine services, that is the Holy Liturgy and that is mainly on Sundays and on greater holidays. Insofar as many, for practically all of them come here by cars, frequently from great distances, a place is provided by the church for the parking cars. Because of this, when they are lacking such a place, they build in time their new church center on a larger piece of property, in order to satisfy this need.

The principle object, besides the church in this church center, is the hall, which is always very large and beautifully decorated. Our people very frequently gather in the hall. In some of the church congregations every Sunday, after services, all of them go to the hall for dinner. And here now the activities of the circles of Serbian Sisters find expression. They prepare dinner for everyone, and serve it at a nominal cost from which nevertheless the church congregation has a certain gain. But here are always found benefactors who increase that gain. We observed--and that is the complete truth—that in most cases, if not in all, the use of alcohol is completely excluded. That is why in some church congregations the hosts look upon their guests from the Old Country as with a certain apology and there were

cases where even exceptions were made—probably with a desire to charm their dear guests into feeling that they are actually among their own.

And yet, these church halls do not serve exclusively for dinners and banquets. Their main purpose is for the holding of affairs, church and cultural national ones. Concerts of the church choir are frequently held there, which are well organized in all the places and which regularly sing in church, under the direction frequently of a professional choir leader, and which are always in a close cooperation with the Serbian Singing Federation which provides them with the necessary church and secular musical literature. Besides this, other affairs are held in the church halls: lectures, concerts by our school children, dances, if the hall is not tied to the temple, and especially affairs dedicated to the Serbian National songs and melodies and folklore. For us it was truly a surprise to see the rich programs from these fields which were prepared because of our coming and with what success. It could not remain unnoticed that in these latter functions, most frequently the principal organizers were the priests themselves and their wives. That is one activity which it could be said is expected of them.

The conscientiousness of our people shown in the church congregations with regard to the significance of the church schools is amazing, as how much is invested in their maintenance. Church schools exist everywhere. And these are not only Sunday Schools for catechism, but they are departments for religious education, and departments for teaching the Serbian language, for which classes are frequently held during the course of the week. Since it is not possible for the pastor alone to perform all of those duties in those departments, he is given auxiliary personnel; most frequently they work on a volunteer basis, but on occasion

sometimes with an honorarium. What kind of task that is and how great it is can be seen from the fact that in some parishes there are up to 500 school children. And since a large number of rooms are required for such a large number of children, the Executive Board of the church congregations zealously concerns itself with providing the necessary classrooms and space, so that when a person enters one of those buildings, he gets the impression that he is in a real school. Yes, undoubtedly, a great deal is invested in that, in order to preserve the second, third and fourth generation of our immigrants.

No. 3—As far as the Clergy are concerned, in this diocese there are no vacant parishes which can easily support a priest. Therefore, a lack of Clergy is not felt. The flow of Clergy from the prison camps after the Second World War helped a great deal in this regard. But most likely, that need will soon be felt. Because there are a large number of elder priests in parishes, while the training of younger priests, it would seem, is not being given enough attention, when for now they only have one student in our seminary in Belgrade.

The priests whom we have met on our journey leave a very good impression. All of them, with minor exceptions, have theological training, and this for the most part obtained in our theological schools. The number of those who have graduated from our theological faculty is not small. But besides these, there are several graduate students from the former seminary in Libertyville (during the time of the Bishops Nicholai and Irinej of Blessed Memory) and several who have graduated from the Theological Institute of St. Vladimir in New York (under the jurisdiction of His Eminence Metropolitan Leontije).

As we are informed, the Clergy are adequately materially taken care of by their church congregations. They receive

in addition to a residence, completely furnished and provided with necessary furnishings, a regular monthly salary, and they are also given an automobile, since without it it would be impossible to serve the parish, which is frequently scattered throughout small places, in distance of up to 100 miles or more from the center. Likewise, the question of pension insurance is solved for the Clergy. This, therefore, explains that such a materially secure Clergy can completely dedicate themselves to their work in the parish and school, to regular visitations of the sick, to render services to their parishioners, who constantly turn to them, and to work in the cultural, educational, and national organizations.—The church congregations succeed in providing the means for supporting their Clergy, as also in satisfying the other needs of the church, mainly by the collecting of regular monthly dues from their members.

Our delegation have the opportunity to become acquainted with many of our Clergy of this diocese bearing our visits to the parishes. But it found itself in their midst at a Special Assembly of the Clergy Association in South Bend, on November 19th, to which the delegation was invited and sincerely greeted and received, and to which the head of the delegation in his reply shared with them his favorable impressions of our travels throughout the diocese, which were already approaching an end. There, at this Assembly of the Clergy Association, the delegation unfortunately was a witness to an unpleasant event, actually a conflict between a larger number of the Clergy present and His Grace Bishop Dionisije who, together with us, was present at the Assembly, but which conflict speaks in adequate measure on the disturbance of relations between a certain number of the Clergy and the Bishop. When later, after the departure of His Grace Dionisije, these attacks continued upon him, —now already in the parish house and not in the hall as

before—*our delegation declared to the present Clergy that the delegation cannot in any way participate in this kind of a discussion in the absence of the competent Bishop.* The participants in the Assembly were directed to continue their conference in the hall and not here in the parish house and to continue it without us. And if anyone has anything to report to our delegation, let him do that by way of submitting written statements. But before these participants of this Assembly left the parish house, one of them, an archpriest, directed to his delegation a statement which the delegation, in addition to its above-mentioned qualification, heard him out and noted what he said as follows:

> Up to now, Bishop Dionisije himself was to blame for the moral and spiritual conditions in his diocese, and he bore the full responsibility. But now, after the arrival of the delegation, and after the given information concerning the transgressions of Bishop Dionisije, the delegation itself and the Holy Synod of Bishops have to bear the responsibility.

Let us also say a few words about our last meeting with a group of our Clergy on this our journey, as also with the representatives of the diocese, which was at the second meeting of the Diocesan Council, summoned by reason of our departure all night on November 23rd in Libertyville. Present there was a smaller number of priests (some have told us that all are not invited). At this meeting it was expected, according to the words of His Grace Bishop Dionisije, that the delegation report on its impressions of its journey. And the delegation did this, expressing its gratitude to his Grace Dionisije and to the Diocesan council for the extended hospitality. In the statement of the delegation of this occasion the doubtless progress of church congregations and parishes was constituted with satisfac-

tion, as also the progress in the church schools at which time a constituted need was expressed: that the purely spiritual work and influence of the church be strengthened in addition to all else; that on holidays vespers and matins be celebrated; that a uniformity in the work in the church schools be realized and that for this purpose the necessary text books be prepared, etc.

4. Having visited on this journey the church congregations and parishes, we also visited monasteries. As we have mentioned earlier there are three monasteries in the diocese: In Libertyville, Shadeland and Jackson (in California). It has also been mentioned earlier that those are truly large properties, and one could not do otherwise but to express recognition to the diocesan counsel which, it seems, is always ready to help the opening and development of monasteries as spiritual centers, and also his Grace Bishop Dionisije, who always shows a great interest for this, and invests his efforts. Only in spite of the great wealth which is represented by these monasteries, in them are lacking monks, so that in them there is no monastic life, but they are more adapted to service children camps. In each one of them there is only one priest monk, and during our time regular daily divine services were held only in Libertyville. Besides this, it was a great surprise for the delegation to hear that all three of these monasteries are quite in debt—it was a surprise because it is known how much our people sacrificed for that. And unfortunately the delegation had the opportunity to hear comments about this fact frequently.—The delegation did not obtain accurate data concerning those debts.

VI

VISITS OF THE DELEGATION TO REPRESENTATIVES OF OTHER CHURCHES AND SCHOOLS

On its journey through the American-Canadian Diocese, the delegation made visits to several representatives of Orthodox Churches in the United States, as also to representatives of the Episcopal Church, to the National Committee of the World Council of Churches and to Theological Schools. These representatives of the Churches, Theological Schools and Institutions were visited.

1. Beattitude of Metropolitan Leonty, in his private residence in Sayoset, near New York. The delegation was detained there for supper and his Grace Iriney, Vicar Bishop of New York was present. On this occasion the delegation expressed thanks for the cooperation of their clergy with ours, which had as a result that many of them visited us during our travels and served together with us. Prior to this we visited their cathedral.—According to information received, this Russian Church jurisdiction has about 350 parishes in the USA, including Alaska and Canada.

2. Beattitude of Metropolitan Anastasy, in New York. We visited him in the presence of his Grace Nikon (the last name Rklitski) and Archpriest Grade. After our greeting his beattitude expressed his greetings to his Holiness German and to the remaining brother bishops of our church. During this meeting the delegation considered it its duty to touch upon an unpleasant situation, namely that conflict which existed in recent times between some of their clerics and our diocese, because of which there were frequent attacks in their newspapers against our bishop over there. His beattitude the Metropolitan explained that actually there does not exist any kind of unfriendliness on their part against our church. The conflict was provoked by his

Grace Dionisije himself by his expressed attitude against the Russian church because of the case of the Archbishop Germogen of Blessed Memory, and because of him blaming the whole Russian Church.

3. His Grace Bositej, representative of the Patriarchate of Moscow in New York. We asked him to kindly extend our greetings to his Holiness Patriarch Alexa of the part of our Patriarch Gegamon and our Delegation.

4. The Russian Archbishop in Pittsburgh, His Eminence Benjamin.

5. His Eminence Iakovos, the Greek Archbishop of New York who is also one of the predators (sic) of the World Council of Churches. We also spent a longer period of time with him, becoming informed of the progress of their Church in the USA. The Greek Church is the most numerous in number of faithful in the USA. They have five Diocesan Bishops, but they are subordinate to the Archbishop in New York. His Eminence Iakovos invited us kindly as his guests to go to Baltimore and to visit their theological schools, the middle and higher ones, but because of lack of time we were unable to do this.

6. The Greek Metropolitan in Pittsburgh, His Eminence Theodosius.

7. The Russian Orthodox Theological Academy of St. Vladimir near New York. Among the instructors in this school are also two of our own: Professor Kesich and Father Archimandrite Firmilian, the Pastor of our church in New York. Several of our younger priests receive their theological education in this school. And now we have two students there: One is a stipendus of His Grace Scaife, Bishop of Buffalo, and the other—of the Church Episcopal Circles in New York. Here also a ceremonious reception was prepared for us after which we were truly surprised

by the good impression left both by the students and the teaching staff.

8. The Carpatho-Russian Orthodox Theological School in Johnstown, although small is very nicely organized as a new institution, which at one time the director was our Priest Monk Dosiattej.

9. Union Theological Seminary in New York. That is a United Theological College for Protestant Churches with great resources (funds), and therefore it has large buildings where married students also live, a very rich library, which also has Orthodox Theological literature, and a large staff of professors. There we saw how nicely a tape recorder can be used by students during the correction of their diction or in general during their delivery of sermons. Some of our students were here earlier who obviously left a good impression after them. The Director of the school received us in a very friendly manner, gave us a detailed explanation of the organization of the school as also of their new methods of teaching. After this he held a tea for us which was attended by several of his professors with their wives.—As we understood it, the possibility exists that we send some of our students to this school, that they would receive a stipend.

10. The Most Reverend Bishop Lichtenburger, the presiding Bishop of the Episcopal Church in New York. Since the Episcopal Church in America takes a prominent part in the action of the World Council of Churches in the collecting of donations for other churches and even for our church, and mostly through its national committee, the delegation on this occasion then expressed to the Most Reverend Bishop Lichtenburger greetings from His Holiness Patriarch Germogen, and at the same time expressed gratitude for the help of their church in this period. The Most Reverend Bishop expressed thanks for the visit and

the meetings and, in replying with a greeting to His Holiness, remained with us in a lengthy conversation, during which he showed an interest in the conditions in our church. In accordance with his desire, we also took a photograph with him.—During our visit to his Grace Lichtenburger a high functionary of their National Committee of the World Council of Churches, the Very Reverend Canon Doctor Pepper, was also present, who then took us to his office and acquainted us with their work.

11. The Episcopal Bishop of Buffalo His Grace Scaife, who is known as a friend of our Church and a great admirer of His Holiness our Patriarch, and who recently accepted one of our young priest as his stipendus in order to further his studies in America. He also was one of the very influential members of the World Council of Churches. We visited him together with our priest from Lackawanna, Archpriest Miodrag Djurich.

12. The Canon of the Episcopal Church in New York, Edward West, whom we visited together with our Pastor from New York, Father Archimandrite Firmilian, and who also indicates a great interest in our church and in our students—Theologians in America. At the tea given us by Reverend West was also present His Grace Bishop Donigan, the Episcopal Bishop of New York, a great friend of our church, and with whom we discussed the possibility that a little chapel might be assigned to us for our newly organized parish in Washington.—Since during this visit to Rev. West we were already alongside the Episcopal Cathedral of St. John the Divine in New York, we also visited this well known church in which one of the twelve altars is dedicated to the Serbian Orthodox Church and decorated with our icons.

13. The World Council of Churches, the National Committee for America, in New York. There we were very

warmly met by Mr. Raymond Maxwell, the former Secretary of the Council for the Balkans, who acquainted us with the higher functionaries of the Council. On that day, October 4th, in the facilities of the Council of Churches a dinner was prepared for the delegation, which was attended by fifteen members of the Council and higher functionaries, and at which, in addition to greetings directed to the delegation, great interest was shown for the life of our church and of church conditions, and especially for our theological schools and for the rebuilding of churches destroyed in the war. In addition to this first visit to the National Committee of the World Council of Churches, the delegation had the opportunity to once again meet with the more prominent members of this committee, namely, immediately prior to our departure from America on November 26th, His Grace Bishop Scaife held a dinner for the delegation in the name of the Council of Churches, in the Columbia University Club, at which were present in addition to the others, Archbishop Iokovos, one of the presidents of the Council of Churches, and the Bulgarian Bishop Andrej. In his greeting speech to the delegation, the president of the Council expressed the sincere desire to soon see the Serbian Church enlisted in the membership of this great ecumenical movement, considering it as very significant that the Serbian Church could add a great deal with its experience and advice. The President of the delegation, expressing thanks to this greeting, utilized this opportunity in behalf of our church to thank them for their interest in our needs and in the help thus far rendered. As far as membership of our church is concerned, he emphasized that although our relationship toward this organization is such at the present, it is in no way passive in its relation to this movement, but follows its work with a lively interest, which can be seen

from the recent gathering in New Delhi where she sent her delegates as observers.

14. The Serbian National Federation in Pittsburgh. Because of the visit of the delegation to our Federation, which in past years has given complete cooperation to our Diocese and to His Grace Bishop Dionisije, the Federation prepared a reception in its facilities, and the following day a supper. On both of these gatherings our delegation was very sincerely greeted, and the unity of the church was once again emphasized as a vital necessity for our Serbian people.—On the occasion of the supper which the Pittsburgh Church Congregation prepared for our delegation three days later, and which was attended by representatives of the Serbian National Federation, the delegation presented to the Federation as a gift a Gusle which we brought for that purpose from the fatherland.

15. Finally, may we mention here that the delegation, during its stay in the USA, visited these representatives of the Russian Orthodox Church, to-wit: His Eminence John, Archbishop of Versailles and Brussels, and His Grace Anthony, Bishop of Geneva, who at that time were in the USA, and also his Eminence Seraphim, Archbishop of Chicago, all from the jurisdiction of his beattitude Metropolitan Anastasy.—His beattitude Metropolitan Anastasy also expressed a desire to return our visit, but we were already near our departure, so we thanked him for his kindness.

VII.

CONCERINING THE CHARGES AND ATTACKS AGAINST THE AMERICAN-CANADIAN BISHOP

Prior to its departure on this journey the delegation was aware of the fact that the Holy Synod of Bishops received certain complaints against the American-Canadian Bishop.

Since it was also placed in the assignment of this delegation, among other things, to "become more closely acquainted with conditions in the Diocese," the delegation could not do otherwise but to pay some attention to this question. The delegation, in order not to transgress against its conscience and completely disregard the vital interest of our diocese, considers its duty to completely and objectively bring out this information about this subject.

During our journey our delegation did not conduct any open public discussion about this subject. Because finally it was not directed to do so by the Holy Synod of Bishops. But regardless of that the delegation had the opportunity during its journey, quite frequently, to hear the opinions concerning this, even though it did not pose any open questions itself about this. There were cases but that opinion was in the form of the mentioned Enclosure No. 12, together with Page 28 of this report (the last page of the enclosure), namely, where Bishop Dionisije is given credit for progress achieved in this Diocese and for his national work. But more frequently, perhaps very frequently, those opinions were different: those were sharp remarks and criticisms directed towards his person, both with regard to his personal life and in regard to his work. And we had the opportunity to hear such remarks also on the part of persons whom we considered were close to him and would defend him more. The most frequent criticisms were in regard to his personal life; relative to this, those remarks were most frequently coming from the priests themselves, which is understandable when it is known that we came mostly in contact with them.

Under such circumstances, the delegation could not do otherwise but to require of those who had something against the Bishop, to submit this in writing to the delegation, or

to subsequently send that submission to the Holy Synod of Bishops. Since many of them hesitated to do this, being afraid of revenge or complicated court proceedings which could be initiated against the complainants—and which the Bishop emphasized, requesting from the Holy Synod of Bishops that these charges be sent to him for reply—the delegation in several instances indicated that they did not necessarily have to send him the names of those who are submitting the complaints, if for this there exists a justified reason. And what that revenge was like which the priests feared can be seen from some letters which have recently been received by the President of the delegation. In this regard a prominent priest, an Archpriest, writes relative to the above mentioned remarks and criticisms directed to the Bishop in his presence that the Priest Assembly in South Bend (November 19th) this: "Truly I am ashamed since you had to listen to all of those stories which were not pleasant at all to you. Now a real 'hue and cry' against those who talked. How this all end!" In another one, a layman writes: "He (The Bishop) is furious and seeks revenge as never before. Save us your Eminence, for God's sake and St. Sava's sake, from this mad beast ...."

The delegation received 16 submissions on the above subject, concerning the subject of criticisms against His Grace Bishop Dionisije, including in this number also the "Serbian Missionary," No. 15 of 1962. Enclosed here together with this report are these submissions in the second part of the enclosures, under Nos. 13-28.

VIII

PROPOSALS

In submitting this report, the delegation is of the opinion that the Holy Synod of Bishops will itself vest and formulate the corresponding proposals for the Holy Assembly of Bishops, on the basis of the report itself. However, since in the decision of the Holy Assembly of Bishops, Holy Assembly No. 19/Min. 50 of June 12, 1962, recommended that the delegation do this, "to submit concrete proposals for the next session of the Holy Assembly of Bishops," the delegation hereby, at the end of its report, submits the following proposals.

1. The delegation is of the opinion that the question of administering our church congregations in South America and South Africa should certainly be considered of primary importance, and that it should be resolved by adding these territories to our American-Canadian Diocese. For the present there is no other possibility of resolving this question. If for such a solution to this question the person of the present American-Canadian Bishop constitutes an impediment in obstacle, we should also bear in mind that that same impediment in obstacle appears with regard to the present administration of the American-Canadian Diocese.

2. The elevation of the American-Canadian Diocese to the rank of a Metropolitan is undoubtedly a matter which our people over there desire; and this would be received by the people with great enthusiasm and with great recognition to our Serbian Church, and more strongly strengthen the unity. The fear is completely unfounded that by this the possibility would be increased for an easier separation of this Diocese. Because if it came to that, that separation could be carried out even if this Diocese would remain as

it is. And that is true that this question has been initiated back in 1938. However, since this is tied to a change of the Constitution, and together with this, it is now more important in every case to clear up the conflicts concerning the person of the Bishop, then this question could be saved for a later time; only it must be kept in mind.

3. Of all the questions and problems which are now ending in this Diocese the most important is the question of the election and appointment of Vicar Bishops. This is all the more important precisely because of, as it appears, the shaken dignity and authority of the present Bishop. If a fortunate election of the Vicar were to take place, this in itself would significantly improve conditions in the diocese, even if that painful question of the present Bishop were not immediately and finally resolved. Therefore, without delay the election of Vicar Bishops should take place, and this, naturally, only in accordance with the regulations of our Church Constitution, that is, that these Vicar Bishops be Vicars of his Holiness the Patriarch. There would not be any special criticisms against this, especially if candidates from the Diocese itself would be taken into consideration.

Concerning the question: How many Vicar Bishops should now be elected, taking into consideration the expanse of this Diocese and the need itself (visiting of the diocese, supervising the church schools and other church—educational institutions, development of the three monasteries, etc.), there is every indication that three Vicars should be elected, or at least two. As far as supporting them is concerned, that truly does not constitute an unsurmountable obstacle. This is keenly felt over there. Because in this the Diocese would not have any material damage, but to the contrary, only benefit, because the financial

conditions in the Diocese would improve, and only in this way, so that those new expenditures for Vicars would not be difficult [translator's note: Two lines on page 40 at the bottom did not reproduce—text continues as follows] The last two letters of the name Udicki—Ki, Rector of the Parish in Youngwood, an Archpriest Father Stevan Lastavica, Rector of the Parish in Windsor (Canada). Besides these three, who are known as Candidates in circles over there both among the clergy and the laity, the delegation had in mind as candidates also His Grace Stefan, Bishop of Dalmatia, and his Grace Sava, Bishop of Morava. Of these first three candidates the most prominent over there, in both the Clergy and laity circles, especially in the latter, is Father Archimandrite Firmilian; and His Grace Bishop Dionisije himself placed his candidacy in the first place. Father Archimandrite Gregory Udicki also enjoys a good reputation, and thus appears as a candidate, it would seem, was out [sic] opposition. The same could be said about Archpriest Father Stevan Lastavica, who is criticized only for an inadequate knowledge of the English language.

4. Concerning the submitted submissions against His Grace Bishop Dionisije, the delegation is of the opinion that for this purpose a special commission should be appointed which would study that entire subject matter. Only, in so doing, care must be exercised concerning this, and appropriate methods used, in order not to give rise to the possibility that this subject does not provoke civil court proceedings over there concerning the legal accountability of the accusers, which is always cited by the Bishop.

5. The delegation is of the opinion and takes the liberty to request of His Holiness Patriarch German and of the Holy Synod of Bishops for action so that practical contacts of our church that is, of the Holy Synod of Bishops with the American Canadian Diocese continue more

intensively, so that the visits to this Diocese be conducted without fail at least once in two years, and to make possible as soon as possible a visit by his Holiness to this Diocese.

6. Since many parishes and church congregations express the desire even now to immediately begin supporting some of our seminarians at their expense, steps should be taken through the diocesan authorities to bring this to a realization.

7. The delegation takes the liberty once again to mention the needs of sending four or five nuns for the monastery at Shadeland, which would be of benefit for this Diocese, and even more for the strengthening of the influence of our church in it, and so on this occasion would recommend that this be done as soon as possible.

8. Finally, the delegation is of the opinion that as far as the help from this diocese is concerned for the building of the church of St. Sava in Belgrade, the initiative is now left to the Holy Synod of Bishops.

Metropolitan of Zagreb
Signed Damaskin
Bishop of Bachka
Signed Nikamor

(translator's certification omitted)

PLAINTIFFS' EXHIBIT 197A

(photocopy certification omitted)

To the Holy Synod of Bishops
Belgrade

By the decision of the Holy Synod of Bishops No. 1986/min. 265 of 1963, we were assigned the duty, because of the proceedings initiated against Bishop Dionisije, to travel to

the U.S.A., and to conduct a hearing of the accused and of witnesses, to perform the collecting of evidence and concerning our findings of the situation to submit a report to the Holy Synod of Bishops with all the related documents for further competent proceedings.

(Enclosure No. I)

We were unable to conduct a hearing of the accused because he opposed it. Already prior to our meeting with him he issued a circular letter (on Vidovdan 1963) in which he writes: "I cannot go to any kind of hearings and talks with this commission . . . with this commission I will utilize the right of contact by way of correspondence."

(Enclosure no. II).

When upon the intervention of his closest co-workers (Dr. Nicholas Stepanovich, Dr. Urosh Seferovich and Mr. Svetozar Maravich) he did receive us (and then not in his residence but in a restaurant), he refused to give answers to questions and again insisted on this, that with him we only correspond in writing.

(Enclosure no. III)

Since we could not "get a word" from the accused, we undertook the hearing of witnesses and of collecting proofs.

According to the submissions received by the Holy Synod of Bishops, Bishop Dionisije is first of all accused of *behavior unbecoming the priestly rank and position* (art. 214, point 2, C. S.O.Church).

(Enclosure no. IV—Submissions:
the priest Dushan Popovich of Chicago, bishop Sava Saracevich of Edmonton, popadija (priest's wife) Stojanka Kovacevich of Indiana Harbor, Stojan Lazarevich of Chicago, Archpriest Paul Zelich of Steubenville, Archpriest Stevan Prostran of Joliet, priest Momchilo Djujich of Gary, the priest Vladimir Milinkovich from Indianapolis, the priest Mladen Trbuhovich of San Diego, professor Milutin

Devrnja from Buffalo, excerpts from the article of Dr. Dushan Silaski in the paper *Jedinstvo* (unity), the article "Black Dionisije" by Dobrosav Jevdjevich in the paper *Serbian Independence*).

By reason of these submissions we conducted a hearing of Mary Alice Drito, of Shadeland, who in the presence of two witnesses confirmed that Bishop Dionisije, having found her alone in a room, attacked her and attempted to rape her.

(Enclosure no. V—the hearing of Mary A. Drito on July 27, 1963)

We obtained also the statement of archpriest Emilijan Glocar of Akron, that Bishop Dionisije did this same thing also with his wife Bosiljka.

(Enclosure no. VI—statement of archpriest Emilijan Glocar of July 14, 1963)

We also established that Bishop Dionisije actually attempted to persuade popadija (priest's wife) Stojanka Kovacevich to avoid conception and gave her advice as to how to do this.

(Enclosure no. VII—statement of Stojanka Kovacevich, from Indiana Harbor, given on July 21, 1963 in the presence of the pastor of Chicago).

Archpriest Stevan Prostran, from Joliet, reported that Bishop Dionisije, in his home said to the archpriest's daughter-in-law that everyone could hear: "You know Madame, my rear end has become so callous that it doesn't feel the blows any more."

(Enclosure no. VIII—statement of archpriest Stevan Prostran of Joliet)

Raja Milinkovich, of Lackawana, testified that the assertion is correct in the statement of professor Milutin Devernja, that Bishop Dionisije, in the early morning of

the day of the monastery patron saint celebration at Shadeland in 1957 or 1958, came accompanied by some woman at the place where the lambs were barbecued, engaged in off-color jokes with the young men, tasted the lamb, and after this celebrated the Holy Liturgy.

(Enclosure no. IX—statement of Rajo Milenkovich, from Lackawana, given on July 29, 1963, in the presence of prof. Borko Borcich and Archpriest Miodrag Djurich of Lackawanna.)

Bishop Dionisije sought from the priest Vladimir Milinkovich of Indianapolis, that he persuade a girl from his parish (Evelyn Petrovich) to go with the bishop in his car on a trip through California, with the assurance "that for her it will not be bad."

(Enclosure no. X—statement of priest Vladimir Milinkovich and his wife Ljubica, given in Canton on July 18, 1963, in the presence of archpriest Dushan Klipa, the episcopal deputy from Clairton.)

The Former president of the Serbian National Federation, Mile Radakovich, complained to Archpriest Stevan Prostran of Joliet, that Bishop Dionisije attempted to molest his daughter Mary.

(Enclosure no. XI—statement of Archpriest Stevan Prostran of Joliet, of October 21, 1962, repeated to the Investigating Commission on July 24, 1963).

Bishop Dionisije is also accused of *material abuses.*

(Enclosure no. XII—statement from a speech of the priest Momchilo Djujich at the priests' Assembly on November 19, 1962, in South Bend, which was attended by His Eminence Metropolitan Damaskin of Zagreb, and His Grace Bishop Nikanor of Bachka;

A letter of the priest Momchilo Djujich of September 24, 1962;

A submission by prof. Milutin Devrnja of June 9, 1962;

A letter received by His Eminence Metropolitan Damaskin on November 27, 1963, from Chicago).

We were not given the possibility of examining the material business of the Diocese and Bishop Dionisije's; however, that it is not in order is witnessed by the report of the Board of Control of July 15, 1963, which when only on the occasion of examining the administrative business at the diocesan property of Shadeland, found the following irregularities:

(Enclosure XIII—Report of the Board of Control on the Monastery of the Most Holy Mother of God in Shadeland, Pa., of July 15, 1963).

The Church-school Congregation in Akron, Archpriest Emilijan Glocar from Akron, and the Church-school Congregation in Chicago, sent by way of checks made out to the Patriarchate, through Bishop Dionisije, as donations in the total amount of $2,337.00—

Bishop Dionisije cashed these checks signing in the name of the Patriarchate, obtained the money—but according to the report of the Patriarchal Executive Committee of July 19, 1963, he did not forward it to the Patriarchate, nor did he send an accounting of this.

(Enclosure XIV—Photostats of 3 checks with the signature of Bishop Dionisije, that he cashed them, and report of the Pat. Exec. Committee, notarized by the American Consulate showing that the money was not received).

Bishop Dionisije is further accused of *Violations* against Church Order (art. 214, point I, Const. of the Serb. Orth. Church)

(Enclosure XV—submission of Archpriest Dushan Klipa, of Clairton, concerning the case of Abbot Mitrofan Kresojevich, as also from the priest Mladen Trbuhovich of San Diego).

From photostats submitted by Archpriest Dushan Klipa, it can be seen that Mitrofan Kresojevich, pastor of Stevan Nemanja Church, by his own admission, was sentenced by state authorities for homosexuality.

This same man, after this was elevated to the rank of proto-singel, and then to that of an Abbot, and today is a pastor in Cincinnati, Ohio.

(Enclosure XV).

Bishop Dionisije knew that the graduate Seminarian, Dushan Vavich, now pastor in Trieste, was ill from epilepsy and that he was under police investigation because of a connection with a little girl of age 11, but nevertheless he ordained him a priest.

(Enclosure XVI—An official report of Archpriest Milan Brkich, Episcopal Deputy from Milwaukee of August 2, 1963).

But Bishop Dionisije began a series of violations against Church order after the Holy Synod of Bishops suspended him and placed him under the court and suspension of priestly functions by Decision No. 1664/min. 188 of May 10, 1963.

By a circular letter of May 25, 1963, Bishop Dionisije announced to the clergy and people: "I do not recognize the penalty adjudged to me . . . nor do I recognize my suspension from sacerdotal (priestly) functions."

(Enclosure XVII—Circular letter of Bishop Dionisije of May 25, 1963).

In Act No. 194 of June 3, 1963, Bishop Dionisije writes to the Holy Assembly of Bishops and Synod: Acknowledging receipt of Acts No. 164 of January 1st and 188 of May 10th of this wear, declaring:

"I do not recognize the decision of the Holy Assembly of Bishops and Synod concerning the division of this one diocese into three new dioceses nor my suspension and deprival of governing the diocese nor will I surrender the duty all up until the Diocesan Church—National Assembly."

(Enclosure No. XVIII—Act of Bishop Dionisije No. 194 of June 3, 1963).

What's more, Bishop Dionisije by a circular letter issued on Vidovdan 1963, called for breaking away from the Mother Church also the Church Congregation in the Diaspora inviting them:

"I accept under the wings of this diocese all Church Congregations in the entire world, which do not wish to submit to Belgrade."

(Enclosure No. XIX—Circular letter issued on Vidovdan, 1963 in Libertyville, entitled: "The American-Canadian Serbian Church Triumvirate").

Although suspended, Bishop Dionisije on June 7, 1963, relieved Archimandrite Firmilian from the duties of Episcopl Surrogate and on June 12th of this year relieved the Episcopalian Deputy Archpriest Milan Brkich from his duties and also Archpriest Dushan Klipa of Clairton and further stated:

"I call upon all Serbian Clergy and all Church School Congregations not to obey the directives of the new administrators: Archimandrite Firmilian, Archimandrite Gregory Udicki, nor those of Archpriest Stevan Lastavica, but rather for all their needs and questions to turn to our diocese, the diocesan office and to us,

who together with the Diocesan Executive Board and the Church Court govern this diocese."

(Enclosure No. XX—Act of Bishop Dionisije directed to Archpriest Firmilian in the circular letter of Bishop Dionisije of June 12, 1963).

June 29, 1963, Bishop Dionisije issued an order to Abbot Simeon Grozdanovich at Shadeland:

"Yesterday a new commission arrived from Belgrade—two bishops, one archpriest and one protodeacon. We have here decided that they cannot be received at the monastery nor at Shadeland. . . . They will look for a place where they can tonsure Archpriest Stevan Lastavica, and afterwards to elevate him as a bishop. I forbid that he be tonsured a monk at Shadeland. Therefore, if they appear there and attempt to do this, you cannot open the chapel to them nor receive them at all."

(Enclosure No. XXII—Photostat of the Act of Bishop Dionisije of June 29, 1963).

On the occasion of the meeting with members of the investigating commission on July 5, 1963, Bishop Dionisije declared that he stands by all of his circular letters and statements which he made before and after the decision of the Assembly and Synod.

(Enclosure No. III—Minutes compiled in the "Indian Club" in Libertyville on July 5, 1963).

Of all the decisions which the Holy Assembly and Synod of Bishops rendered, Bishop Dionisije adhered only to the decision concerning suspension from priestly functions. On August 2nd of this year, on the day of St. Elijah, he also violated that suspension and celebrated Matins in the monastery of St. Sava in Libertyville.

Proof . . .

(Enclosure No. XXII—Photograph of Bishop Dionisije yearing a stole taken on August 2, 1963, by Daniel Simich from Chicago, and the statement of record of Protodeacon Bozidor Tripkovich and Daniel Simich, who on August 2, 1963, were present at the Matins in the monastery in Libertyville).

The investigating commission was unable to "again hear Bishop Dionisije" as ordered to do by telegram of July 30th, because Bishop Dionisije only one day earlier refused to meet again with Bishop Hrisostom in Chicago or vicinity.

(Enclosure No. XXIII—Statement of Protodeacon Bozidor Tripkovich of August 9, 1963. That Bishop Dionisije did not accept the proposal of a repeated hearing which was insisted upon by his mediator, Archpriest Branko Kusonjich of Cleveland.)

Submitting this report concerning the conducted investigation together with the entire evidentiary material, we request the Holy Synod of Bishops to please appoint a prosecutor who will on the basis of the enclosed documents, write the indictment.

Enclosures . . . Twenty-three
Faithful to the Holy Synod of Bishops
August 10, 1963
Belgrade

Bishop of Branichevo
s/ Hrisostom
Bishop of Banat
s/ Visarion

(translator's certification omitted)

PLAINTIFFS' EXHIBIT 217

(copy certification omitted)

[110] Thereupon the plaintiff called as a witness the

RT. REV. DIONISIJE MILIVOJEVICH,

who, being first duly sworn, testified as follows:

Direct Examination of Rt. Rev. Milivojevich

By Mr. Zucker:

Q. State your name.

A. My name is Dionisije Milivojevich, Right Reverend Bishop of the Serbian Eastern Orthodox diocese for the United States of America and Canada and designated to take temporary charge of church affairs of all territory outside of Yugoslavia.

Q. Are you a citizen of the United States?

A. Yes, I am.

Q. You stated you are a bishop of the Serbian Orthodox Church in this country?

A. Yes.

Q. Will you tell the Court in your own words how you became a bishop of the Serbian Church in this country?

Mr. Strangward: I object. That is a self-serving declaration, that he became bishop.

The Court: He can recite how he became a bishop. It is a question whether it has any bearing on the issue in this case.

A. I became a bishop by election of the Bishop House of the [111] Serbian Orthodox Church in Yugoslavia; that was in 1928; and I was consecrated as a bishop by His Holiness Serbian Patriarch Gabriel.

Q. And what was your status in the Church when you came to this country?

A. They elected me and consecrated me for the Bishop, with duties of possessing and taking spiritual care of our diocese here in America and Canada for Americans and Canadians of Serbian descent.

Q. Who appointed you for that position?

A. This appointment was made by the Holy Synod and His Holiness Patriarch Gabriel of Belgrade.

Q. Now prior to your coming to this country did you hold any positions in the Church in Yugoslavia?

A. I was two years vicar-bishop of His Holiness Patriarch of Bucharest. And before that I had previously a couple of positions as professor of canonical laws and other positions teaching in our seminaries and our schools in Yugoslavia.

Q. How long were you with the Church either as a clergyman or in any other position?

A. From 1926.

Q. Now, are you familiar with the canon laws and the ritual discipline of the Orthodox Church?

A. Yes, I am.

Q. Will you state just briefly what the Orthodox Church is, [112] the nature of the Orthodox Church?

Mr. Strangward: If the Court please, it is my understanding that the ritual is different in various Orthodox denominational churches and I believe that the witness should be asked if he is acquainted with the particular ritual in the particular church we have involved here.

The Court: Are you objecting?

Mr. Strangward: I object to the question for the reasons I have stated.

(Argument had.)

The Court: I don't see any great objection. I will disregard any testimony not proper.

A. A Christian church, and especially a Christian orthodox church, has its own denominational rules recognized by everyone national church in the whole world.

The Court: In where?

The Witness: In the whole world, recognized everywhere by every nation and through every century. For instance in every nation it is the same in teaching, in dogma, in belief. We have the same creed, we have the same sacraments, we have the same ritual, we have the same church discipline, but we may [sic]

[113] The Court: Well, who is the head of your church?

The Witness: The head of all church?

The Court: Of your church.

The Witness: Of my church the head is my Patriarch in the Holy Synod in Belgrade.

The Court: Now, what is the connection of the Holy Synod of Belgrade and the Holy Synod in Bucharest; is there any connection between the two?

The Witness: Yes.

The Court: What is the connection?

The Witness: The connection is in teaching in the same discipline, in the same ritual, but not in jurisdiction, not in jurisdiction. Every national church has, according to the holy canons, its own privilege to elect a bishop who heads some organization inside that country, and other churches couldn't get around in their church in a different name. There is one authority in the Roman Catholic Church, —that is the difference. We have one head for every nation, for every bishop, no matter from which nation the bishops are. Then we are ruled by Holy Canon. Those holy canons are written by the ecumenical councils. The ecumenical councils [114] are supreme courts composed of all bishops from all countries, from all states. They were

gathered several times and made the denominational by-laws for all Orthodox churches, no matter for which nation; but they designated in Apostolic time that every nation has its own right tc elect bishops inside of this nation, and to have a head, supreme head, patriarch, archbishop, metropolitan for that nation, and to have local national councils for small affairs in their own church. And no church could interfere in the affairs of that national church. For instance, I am elected Bishop in my own church, in my own nation. I couldn't go to elect a bishop for a Rumanian church or for a Greek church, for instance. This is done by their own Bishop's House. This is done as the basis of general rules of general holy canons which are written for all churches, orthodox churches, but with the provision they may be done for each nation, separate among their own bishops in the same manner. One bishop could not be consecrated from one bishop. It should be three, or two, at least two. The first canon, Apostolic canon, and our first ecumenical council, has provided that two bishops, at least [115] two, or three could ordain another bishop, but that should be done by the supreme head or bishop of that nation. That means by the Holy Synod, a Patriarch or Patriarch Metropolitan or Archbishop, how it is called, the head from that nation. One bishop cannot be consecrated by anybody else, no matter who are the other persons. A bishop could be consecrated only by three or two bishops which have Apostolic, so-called Apostolic sanction, that means Apostolic succession. If I am ordained—

Mr. Strangward: Well, I object to that.

The Witness: I will finish in one sentence. The bishop who consecrated me, he should have consecration from one canonical bishop, and one regular bishop, who would consecrate canonically, and one who is Apostolic. So our church

is called Holy Apostolic Church. If one bishop isn't consecrated by a bishop, he can't prove that he is consecrated by a canonical bishop, he is not called a bishop.

Q. And you say the canon laws for your church are the same as the canon law for the Rumanian Church?

A. The same.

Q. Under those canon laws can people, laymen or anyone else, elect a party to become a bishop

[116] A. No, no and no.

Q. Whom do you recognize as the Bishop of the Rumanian Orthodox Church in this country?

A. I recognize—

Mr. Strangward: I object, if the Court please.

The Court: Sustained.

The Witness: I am recognizing as the Bishop—

Mr. Vintilla: Just a minute. You can't answer.

Q. Now, Bishop, did you receive a letter from the defendant Ioan Trutza?

A. Yes, I believe.

Q. About when was that?

A. Let me look.

Q. Do you have that letter?

A. I have. Yes, I received it.

Q. I will hand you a letter marked for identification Plaintiff's Exhibit 10, dated April 4, 1951, and ask you to examine this and state whether this is a letter which you received from Rev. Trutza?

A. Yes, this is a letter of Rev. Trutza.

(Plaintiff's Exhibit 10 offered in evidence; objection by defendant; argument had; offer withdrawn.)

[117] Mr. Zucker: If the Court please, Mr. Vintilla, who is more familiar with the facts, I am going to ask him to go ahead because I am not as familiar with the facts as he is.

The Court: All right.

By Mr. Vintilla:

Q. Now, Bishop, as an expert on the canon law of the Serbian Orthodox Church and as an expert on the canon law, can you state whether the canon law of your church is the same as the canon law of the Rumanian Orthodox Church?

A. I think, with your permission, I don't know. This is the United States. We are citizens here, and the United States is recognizing each church, its own right to rule, and having their own rules inside for their own church.

Q. Yes, we understand that.

A. That means for your church, that means for my church, that means for Jewish church or any other.

Q. Now, will you answer the question as an expert, as to whether or not you can state whether the canon law—whether you are familiar—

The Court: I think he has answered.

A. I could say that the canon law, holy canon law is the same holy canon for every ortho church, either Russian or Rumanian or Serbian or Greek, in America, each recognizing the holy canons, with some exceptions. Even the Roman Catholics are recognizing holy canons which we have with [118] some additions of their own. These holy canons are recognized by all churches.

Q. As an expert can you state as to how a bishop or an individual is elevated as a bishop in a Rumanian Orthodox Church?

A. The same as in the Serbian.

Q. How is that?

A. The Bishop House is electing a Patriarch; the Holy Synod is consecrating him.

Q. Can anyone else in the Rumanian Church other than the Patriarch in the Holy Synod elect and consecrate a bishop for the Rumanian Orthodox Church?

A. No. In that church will be one, a united and one Rumanian Church.

The Court: State that again, that last part.

Q. Would you repeat that last part?

A. For one church has a Serbian and has a Rumanian, is one united, not divided, not separate, two or three. No one can elect, nobody can consecrate a bishop for that church, for that people except the Holy Synod Bishop House and the Patriarch who is the head of this church.

The Court: Let me get that statement. If the particular church isn't separated, then you say a bishop can only be elected.

[119] The Witness: Yes.

The Court: If it is separated, different rules apply, is that correct?

The Witness: If, for instance, in the Russian Church, for instance, in the Russian Church in America, any American Russian Church governed by metropolitan delegate, he has recognition as a bishop from the Patriarch in Moscow, and this is a separate church, it is under his jurisdiction, his own bishops, and he might elect a bishop for America without asking the Patriarch in Moscow.

The Court: Why is that?

The Witness: Because when a nation is bigger, when they like to have their own churches, they form, according to holy canon, a separate church body.

The Court: That is because they have sufficient bishops for apostolic succession?

The Witness: Yes.

The Court: And that is why they can separate?

The Witness: Yes, and it happened, too, for instance the Greek Church in Athens, in Greece.

Q. Now, excuse me a minute, going back to the question what do you mean by separate—when you used that term?

A. I mean separate when it is recognized by the Eastern Church [120] as under the church body. For instance, if our Serbian Church in America, like to have a separate body and from our Patriarch of Belgrade we may get, or if we could get permission to be a separate, to have a new church body, and permission to come from our Patriarch, from the Holy Synod in Belgrade, from the Bishops' House in Belgrade, so that in that case we have a right to elect our own bishop here, but not in this case.

Q. Now in order to separate under the canon laws, in order to separate from the Mother Church, must they have permission from the Holy Synod of that church?

A. They must.

Q. Suppose they do not have permission from the Holy Synod and separate?

A. In that case they are schismatic.

The Court: They are what?

A. Schismatic. In that case they are anathematized by their own Mother Church, under the canon laws.

The Court: Let me get that. There is a schism, as I understand?

The Witness: Yes.

The Court: If there is a schism then that group of that church that partakes of that schism is separated and autonomous and independent of the Mother Church?

The Witness: Yes. In this case if [121] they would obtain the recognition of their church's head, such as the Patriarch, that group would be recognized canonically as a new church, but if not it is schismatic.

The Court: And if they are recognized do they have a right to conduct their own churches administratively, canonically and spiritually?

The Witness: Yes. But they must have recognition from their Mother Church, from their supreme church, from their Patriarch, from their Holy Synod.

Q. According to canon laws which govern the Rumanian Orthodox religion, can you as the Serbian bishop of the group, or Serbian bishops elect and consecrate a Rumanian Orthodox bishop?

A. I couldn't do that without permission of my Patriarch and the Holy Synod. Even I couldn't elect a new bishop for Serbian churches here without my Patriarch gives permission or Holy Synod's approval.

Q. Now, under the canon law, if, let's say three Ukranian bishops elect or ordain and consecrate an individual as bishop for the Rumanian Orthodox Church, can they do that under the canon law?

A. According to my knowledge of the holy canon and the rules in our church those gentlemen, Ukranian people, are not bishops.

[122] Q. Are you familiar with the Ukranian prelates who consecrated Viorel Trifa?

A. I am a little familiar; I know the history about that. They are self-elected bishops, and the laymen elected him as a bishop against a general rule and canon of our Ortho Church. Their Patriarch and his group is not recognized by any ortho-church as a bishop and as a church.

Q. Then is it your opinion they cannot give apostolic succession then?

A. No, no. Well, Mr. Trifa is just a good gentleman; he is not a bishop.

Mr. Strangward: If the Court please, the question of Trifa's consecration is not the subject of this lawsuit. I

object to the answer and ask that it be stricken from the record.

The Court: That part of the testimony will go out.

Mr. Vintilla: We are attempting in our prayer to enjoin the defendant from acting in the name of the Rumanian Orthodox Episcopate in any manner or fashion whatsoever, and this defendant, acting as the bishop, Rumanian Orthodox bishop, if we prevail, we are wanting to enjoin him from acting as such. He is a defendant in this case.

The Court: As an individual?

[123] Mr. Vintilla: Yes, as an individual.

The Court: I will let the testimony stand. I will separate it later.

Q. Now, in your opinion is the defendant Viorel D. Trifa canonically elevated as a bishop, according to canon laws?

A. He is not.

Mr. Strangward: I object to his opinion as to whether or not Rev. Trifa has been consecrated bishop, unless he is qualified to state he was present at the ceremony and knows what was done.

The Court: He has testified as an expert and he says that he is familiar with the canon laws of the Rumanian as well as the canon laws of the Yugoslavian church, and being familiar with the canon laws of all the orthodox churches throughout the world. That is his testimony. If you want to question his ability as an expert I will permit you to cross-examine him on that. Now, as an expert he says that in his view unless he is elected by another bishop he cannot act. That is his opinion as an expert.

Q. Now, who do you recognize as the canonical bishop of the Rumanian Orthodox Churches in this country?

Mr. Strangward: I object.

[124] The Court: Sustained. That is not expert testimony, whom he recognizes. You can develop the facts. In his theory as an expert laymen cannot elect a bishop. Now, that is what he said.

Mr. Vintilla: That will be all.

Cross Examination of Rt. Rev. Milivojevich

By Mr. Strangward:

Q. Bishop, you have been a member of the Serbian Church for many years, since 1926?

A. Yes.

Q. And you have studied the religious philosophy particularly orthodox philosophy?

A. Yes, I studied many things.

Q. Are you acquainted with any procedure in any of the orthodox churches which might require the nomination of candidates for a bishop by the people within the diocese first and then the Holy Synod, the Patriarch thereafter consecrating the person nominated by the people within the Episcopate,—are you acquainted with any procedure like that?

A. I am not familiar with any single evidence that laymen or any convention of laymen or any commission of laymen should elect a bishop.

Q. You are not acquainted with any procedure like that?

A. No.

[125] Q. Let me ask you this: in your Serbian Church, do you have a church congress that meets each year?

A. A Bishops' House Congress.

Q. You have a Bishops' House Congress?

A. Yes.

Q. Do you have any church congress made up of the priests and lay delegates from the various churches that meet?

A. No.

Q. So you are not acquainted with that type of procedure?

A. It is not existing in our orthodox church.

Q. So that a system that was governed in that manner, that system which you say isn't existing in orthodox churches—

A. It is only maybe in some other groups, not ortho, other groups.

Q. Any church that had that sort of procedure would not be an orthodox church?

A. Other churches may have that rule; they may elect a bishop from the laymen mixed with priests in some convention, but not in any orthodox churches.

Q. In other words, not in any church that is run like the orthodox church you belong to?

A. No, I am not acquainted with it.

Q. Bishop, I don't want to confuse you, I want to get the facts.

A. Yes.

Q. I am not talking about the consecration of a bishop.

[126] A. I understand that.

Q. There is a definite procedure that one must go through to become a bishop, is that right?

A. Various steps.

Q. Now, do you know of any procedure in any of the orthodox churches where the people who were within a diocese or within an Episcopate nominated candidates to become a bishop?

A. I don't know.

Q. You don't know?

A. I don't know.

Mr. Strangward: I have no further questions.

Mr. Vintilla: That will be all, you may step down.

• • • • •

PLAINTIFFS' EXHIBIT 223

SERBIAN ORTHODOX AMERICAN-CANADIAN
DIOCESE
ST. SAVA MONASTERY, LIBERTYVILLE, ILLINOIS

April 15, 1957
No. 11

To all Serbian Orthodox clergy of the
American Canadian Diocese

We hereby inform our entire clergy of this territory, that His Holiness Patriarch Mr. Vikentije, in his act No. 57 dated April 4 of this year advised:

That Abbot Antonije Abramovich, performing duties of administrator of Lavre the Holy Pec Patriarchate willfully left the monastery, deceived his higher church authorities by stating he needed an immediate vacation, and left for permanent residence in America with which he committed a wrong in accordance with Art. 214, No. 3, Constitution of the Serbian Orthodox Church and 4th By-Law of the IV Ecumenical Council. For this reason His Holiness Patriarch Mr. Vikentije under the above number and date *PLACED ABBOT ANTONIJE ABRAMOVICH UNDER SUSPENSION OF PRIESTLY PERFORMANCES AND REFERRED HIM FOR TRIAL TO THE CHURCH COURT.*

His Holiness Patriarch Mr. Vikentije prays that all our clergy be advised of this decision as well as all the Orthodox churches in America and Canada.

Informing you of the above decision of His Holiness Patriarch *WE ORDER,* that Abbot Antonije Abramovich not be accepted in any parish by the clergy, nor should he be permitted to perform any church service in this diocese.

By separate letter we have informed all other sister Orthodox Churches in America regarding this decision of His Holiness the Patriarch of the Serbian Orthodox Church as well as the Abbot Antonije himself.

With blessings
SERBIAN ORTHODOX
AMERICAN-CANADIAN
+ Bishop Dionisije (L.S.)

(translator's certification omitted)

PLAINTIFF'S EXHIBIT 229
RESOLUTION
FOR THE AMENDMENT OF AND
AMENDMENTS
TO THE CONSTITUTION OF THE
SERBIAN ORTHODOX DIOCESE IN THE
UNITED STATES OF AMERICA AND CANADA
A RELIGIOUS CORPORATION
ORGANIZED AND EXISTING UNDER
THE LAWS OF THE STATE OF ILLINOIS

WHEREAS, Article 36, Paragraph 10 of the Constitution of the Serbian Orthodox Diocese in the United States of North America and Canada, a Religious Corporation, organized and existing under the laws of the State of Illinois, charges the Diocesan Council as follows:

"10) to submit recommendations, according to the need, to the Diocesan Assembly for the change and amendment of this Constitution," and

WHEREAS, the Diocesan Council has submitted such recommendations pursuant to such Constitutional duty; and

WHEREAS, the Serbian Orthodox Diocese in the United States of North America and Canada has been organized, supported, and maintained by the faithful members of the Serbian Orthodox Church, who are citizens or residents of the United States of America and of the Dominion of Canada; and

WHEREAS, in order to assure the canonical continuity and the Apostolic succession of the Serbian Orthodox Church, the Serbian Orthodox Diocese in the United States of North America and Canada beginning in the year 1927 and continuing through 1939, requested to become a component part of the Serbian Partriarchate in the Kingdom

of Yugoslavia and at the same time reserved to herself the right to administer and to conduct her own affairs autonomously through the Diocesan Church-National Assembly and under its own Constitution, and;

WHEREAS, the Constitution of the Serbian Orthodox Diocese in the United States of North America and Canada was adopted and accepted at the Diocesan Church-National Assembly in 1927 and amended and revised at the Diocesan Church-National Assemblies of 1931 and 1938 and was approved by the Holy Bishop's Synod of the Serbian Orthodox Church in 1928 and 1939, and;

WHEREAS, following the installation in Yugoslavia of a Communist dictatorial, anti-christian and anti-democratic government, the Serbian Orthodox Church, the Holy Bishop's Synod, the Patriarchs, and the Administrators of the Holy Mother Church are no longer free to preach the word of God without government supervision or to propagate the true teachings of the Holy Mother Church and Serbian Orthodoxy and have undertaken in addition with complete disregard of our free, independent, autonomous rights as the North American Diocese of the Holy Mother Church and our Constitution and the laws of the United States of American and of the State of Illinois to obstruct the affairs of the Serbian Orthodox Diocese in the United States of North America and Canada in that:

(A) Without representation they purport to have divided the Serbian Orthodox Diocese in the United States of North America and Canada into three dioceses, and;

(B) To suspend and relieve our Holy Bishop from his priestly function and pastoral duties, and;

(C) Have purported to do so without notice, hearing or representation in controvention of Canon Law, the Constitution of the Mother Church and the Customs and usages handed down through the centuries, and;

WHEREAS, the Holy Mother Church and the Holy Synod of Bishops and the Patriarch of Belgrade are complete enslaved by the Communistic rulers of Yugoslavia who have overthrown the Kingdom of Yugoslavia and its duly constituted authority, and;

WHEREAS, said Communist usurpers, through the captivity and enslavement of the Holy Mother Church, propagate among our faithful peoples here ideas which are contrary to the free-life conceptions and beliefs held and respected by the Serbian-American and Serbian-Canadian children of the Holy Mother Church, and;

WHEREAS, such propaganda does not reflect the Serbian Orthodoxy of the Holy Mother Church, and;

WHEREAS, it is the duty of the faithful in America and Canada to preserve, defend and sustain among the people, one, holy, ecumenical, and apostolic Church and repel all activities contrary to Serbian Orthodoxy, and;

WHEREAS, said Communist usurpers, in 1952, purported to subjugate and take over the administration of all faithful Serbs, children of the Holy Mother Church, throughout the free world outside of Yugoslavia, and;

WHEREAS, the faithful children of the Holy Mother Church throughout the free world have applied to the Serbian Orthodox Diocese in the United States of North America and Canada, through its bishop and the Diocesan Church-People's Assembly for sanctuary, leadership, and protection in the preservation throughout the free world of the Faith, the Holy Mother Church, and all Serbian Orthodox for the duration of the captivity and enslavement of the Holy Mother Church by the Communist dictators,

NOW, THEREFORE, BE IT RESOLVED that:

1. The Serbian Orthodox Diocese in the United States of North America and Canada be and the same is hereby reaffirmed to be completely autonomous in its administrative, temporal and canonical-hierarchial affairs and free from all rules, regulations, orders, decrees, or obstructions emenating from the captivity of the Patriarch of the Serbian Orthodox Church and the Holy Synod of Bishops.

2. That the Constitution of the Serbian Orthodox Diocese in the United States of North America and Canada be and the same is hereby amended in the following particulars:

(a) That Art. 1 shall be amended to read as follows:

Art. 1

"The Serbian Orthodox Diocese in the United States of North America and Canada is considered spiritually and liturgically as an organic part of the Serbian Orthodox Patriarchate of the Kingdom of Yugoslavia and enjoys all the benefits which originate therefrom."

(b) That Art. 2 shall be and hereby is repealed and that the Constitution shall be and hereby is amended by substituting the following:

Art. 2

"The present regulations and laws of the Federal Socialist Republic of Yugoslavia are not compulsory or binding upon the Serbian Orthodox Diocese in the United States of North America and Canada and such diocese will be governed by the laws of the State of Illinois and of the United States of America and of the Dominion of Canada so far as such laws may have application or relevance."

(c) That Art. 3 be and the same hereby is amended by adding the following sentence to said article, to-wit:

"The said jurisdiction shall be extended to include every part of the free world except Yugoslavia wherever Serbian people are living and have formed parishes or dioceses in Serbian Orthodoxy and seek sanctuary and affiliation for the purpose of preserving, the following:

Art. 9

"The Bishop of the Serbian Orthodox Diocese in the United States of North America and Canada shall be nominated by the Diocese Council and the Diocesan Ecclesiastical Court, elected by secret vote of the Diocesan Church-National Assembly, and ordained by the Orthodox canonical Bishops having apostic succession.

"Candidates for Bishops must fulfill canonical-legal requirements provided for the position of Bishop in the Orthodox Church. They must have the required theological education: Theological Academy, Theological Faculty or university education with prior theological education. They must show by their diligent church work, faithfulness to the church and the people and by their examplary life as well as by their ability to merit the position of Bishop.

In case of vacancy or widowhood of the Diocese, the Diocesan Council shall convoke within six months at the most a Church-National Assembly in extraordinary session. The Diocesan Council shall within three weeks before the Assembly propose to the Church-National Assembly two or three candidates for Bishop who fulfill the necessary requirements as set forth in the previous subsection of this article.

The Diocesan Church-National Assembly will elect in secret vote one of the proposed candidates by a two-third majority. If this majority is not attained in the first two ballots then a third ballot shall take place. If at that time a candidate receives an absolute majority, he shall be considered elected. In case that no candidate receives an

absolute majority in the third ballot, a fourth ballot shall take place under the same condition. If no candidate receives an absolute majority on the fourth ballot, then a fifth ballot shall take place with only two candidates who have received the greatest number of votes. At this balloting, the candidate who receives the most votes shall be considered elected.

The tenth Diocesan Church-National Assembly may if necessary elect one or two Bishops in its session of November 12 to 14, 1963, dwith a two third vote of the attending delegates, waiving exceptionally the educational requirements and the balloting order prescribed in the above paragraph.

That Sub-paragraphs (h), (l), (o), and (p) of Art. 10 shall be and each of the same hereby are repealed and deleted and that the Constitution shall be, and each of the said sub-paragraphs hereby are, amended by substituting the following sub-paragraphs:

"h) To obey and execute all cananical laws of the one, holy, ecumenical and apostolic Church."

"l) To decide questions of degrees in relationships and, within the canonical limitations, to render dispensations to related persons to wed; and to grant dispensations from announcements in instances of proven necessity."

"o) To inform the clergy and laity of various decisions and directives of the Diocesan Church-National Assembly."

"p) To submit to the Diocesan Plenum his yearly, and to the Diocesan Church-National Assembly a three-year report of his archipastoral activities; and"

(h) That Art. 12 shall be and hereby is repealed and that the Constitution shall be and hereby is amended by substituting the following:

Art. 12

"The Diocesan Bishop in the United States of America and Canada is obliged to recognize the spiritual and liturgical unity of the Serbian Orthodox Diocese for the United States and Canada with the Mother Church.

The Diocesan Plenum is hereby authorized to regulate and specify the right, duties and responsibilities of the respective Bishops of this Diocese.

The Diocesan Bishop, as well as the other Bishops, is responsible to the Diocesan Plenum for their work and the governing of the affairs of the Diocese and its institutions. In case of disagreement between the Diocesan Plenum and the Bishops, the final decision remains with the Diocesan Church-National Assembly.

(i) That Art. 13 shall be and hereby is repealed and that the constitution shall be and hereby is amended by substituting the following:

Art. 13

"In the event of illness or absence or incapabiilty of the

When the seat of the Diocesan Bishop is vacated, the administration of the widowed Diocese will be carried out by the highest ranking Bishop until the convocation of the Diocesan Church-National Assembly.

If at the time of vacancy of the seat of the Diocesan Bishop or widowhood of the Diocese there is no other Bishop the Diocese will be administered jointly by the Diocesan Ecclesiastical Court and the Diocesan Council until the election of a new Bishop as prescribed in Art. 9 of this Constitution."

(j) That Art. 15 shall be and hereby is amended by adding the following words:

"and throughout the free world, as provided in Art. 4 of this Constitution."

(k) That Sub-paragraphs (1), (3) and (4) of Art. 16 shall be and hereby are repealed and that the Constitution shall be, and said Sub-paragraphs hereby are, amended by substituting the following:

"1) Delegates elected by the individual Church-School Community to-wit, two laymen, in addition to the president of the same, who is delegate ex officio. In case of his inability to attend, he shall be replaced by its vice-president;"

"3) All Bishops;"

"4) All members of the Diocesan Plenum;"

(l) That sub-paragraph (8) of Art. 23 shall be and hereby is repealed and that the Constitution shall be, and the said sub-paragraph hereby is, amended by substituting the following:

"8) decides on changes and amendments to the Constitution."

(m) That Art. 53 shall be and hereby is repealed and that the Constitution shall be and hereby is amended by substituting the following:

Art. 53

"Decisions made by the Diocesan Bishop alone or together with the Diocesan Ecclesiastical Court, have the validity and power of decrees of Ecclesiastical Courts in the first instance.

"The Diocesan Ecclesiastical Court decides matters of divorce in the first and final instance, except in the cases of marriage annulments or on appeals of a decision of the Diocesan Ecclesiastical court in which case a joint meeting of the Diocesan Council and Diocesan Ecclesiastical Court is the final instance.

"This provision will remain in effect until the Eleventh Church-National Assembly, which shall enact provisions concerning the establishment and organization of the higher Ecclesiastic Court."

(n) That Art. 54 shall be and hereby is repealed and that the Constitution shall be and hereby is amended by substituting the following:

Art. 54

"All decisions pertaining to the unfrocking of priests or presbyter-monastics arising not only by reason of complaint but also by reason of official duty shall be made by the Brotherhood of Clergymen of this Diocese under the presidency of the Diocesan Bishop, Members of the Diocesan Ecclesiastic Court are excluded therefrom.

"The provisions of Art. 53, Section 3, of this Constitution are hereby incorporated by reference."

(o) That Art. 56 shall be and hereby is repealed and that the Constitution shall be and hereby is amended by substituting the following:

Art. 56

"Court procedures and order of business of the Ecclesiastical Court will be prepared by the Ecclesiastical Court and the Diocesan Council, and submitted for approval to the Diocesan Church-National Assembly. Until then, the Ecclesiastical Court shall use the court procedures presently in effect.

If the Bishop should disagree with the decision of the Diocesan Ecclesiastical Court, as well as with the decision of some Diocesan committee or Diocesan Council, the matter in question will be sent to the Diocesan Plenum, which should by Convoked, into session within thirty days preiod of the property filed complaint by the Diocesan Bishop himself or the vice-president of the Diocesan Council."

(p) That Art. 67 shall be and hereby is amended by adding the following words:

"or of the country in the free world, outside of Yugoslavia, in which such community of Serbs is located."

(q) That from the first sentence of Art. 86 shall be and is hereby deleted the word "administration".

(r) That Art. 108 shall be and hereby is amended by adding the following words:

"to which the said parish is subject."

(s) That Art. 122 shall be and hereby is amended by adding the following words:

"The decision of the same is final."

(t) That, after Art. 163 shall be and it is hereby added the following new article:

"Transitional Provisions

Art. 164

"All the amendments and changes to this Constitution, adopted at the Tenth Church-National Assembly, held on November 12, 13, and 14, 1963, become immediately effective and binding for all Diocesan authorities and churches and school communities which compose the same."

Dated: Libertyville, Ill., November 14, 1963.

This Resolution was unanimously adopted at a joint session of the Committee for Amendments to the Constitution and Committee for Resolutions and Greetings, held on November 14, 1963.

Committee for Amendments to the Constitution:

Members:
Nick Stepanovich
Nick Stepanovich
Very Rev. I. Kovacevich
Very Rev. Arch. I. Kovacevich
Dr. Milorad Draskovich
Dr. Milorad Draskovich
Members:
Nick Stepanovich
Nick Stepanovich
Sofija Ducich
Sofija Ducich
Jovan Kontich
Jovan Kontich

Dr. Caslav Nikitovich
Dr. Caslav Nikitovich
Dr. Ranko M. Brashich
Dr. Ranko M. Brashich
George Vujnovich
George Vujnovich
Dr. Ranko M. Brashich
Dr. Ranko M. Brashich
Chairman
Dr. Uros Seferovich
Dr. Uros Seferovich
V. Rev. U. Jelich
Very Rev. Ugljesa Jelich
Milos Bajcetich
Milos Bajcetich
Robert Sagather
Robert Sagather

This is to certify that the above Resolution was unanimously adopted by the Tenth Diocesan Church-National Assembly of the Serbian Orthodox Diocese for the United States of America and Canada at its session, held on 14th day of November, in year Nineteen Hundred Sixty Three of our Lord

Presidency

of the

Tenth Diocesan Church-National

Assembly

Dragisa Milich
Dragisa Milich
Secretary
Janko Kovacevich
Janko Kovacevich
Secretary

Right Rev. Bishop Dionisije
Right Rev. Bishop Dionisije
Chairman
Very Rev. S. Radovanovich
Very Rev. S. Radovanovich
Vice-Chairman
David Bundalo
David Bundalo,
Vice-Chairman
Danilo Prodanovich
Danilo Prodanovich
Ass't. Vice-Chairman

(SEAL)

DEFENDANTS' EXHIBITS

DEFENDANT'S EXHIBIT 29

In the Name of
Peter II
by the Grace of our God and the will of the people
King of Yugoslavia
The Royal Deputies

Upon the recommendation of the Minister of Justice, being in agreement with the President of the Council of the Ministry, and Based on Par. 8 of the Law of the Serbian Orthodox Church and Par. 99 of the By-Laws of the Serbian Orthodox Church

C O N F I R M

The electiion of:

His Grace Bishop of America and Canada Right Reverend Damaskin as Bishop of the Orthodox Diocese of Banat, at Vrshats;

His Grace Bishop of Marcha, Vicar to His Holiness the Serbian Patriarch and supreme secretary of the Bishops' Holy Synod Vikentije as Bishop of the Orthodox Diocese of Zletovo-Struma in Stip;

His Grace Bishop of Morava and Vicar to His Holiness the Serbian Patriarch Lord DIONISIJE as Bishop of the Diocese of America and Canada; and

His Grace the Bishop of Buda and Vicar to His Holiness the Serbian Patriarch Rt. Rev. NICHOLAS as Bishop of the Orthodox Diocese of Zahum-Hercegovina.

The Minister of Justice is to execute this Ukase.—

P A U L (signed)
R. Stankovich (signed)
Dr. Perovich (signed)

No. 4978
18 January 1940 year
Belgrade.
Minister of Justice,
Dr. L. Markovich (signed)

That this is a true copy of the original, AFFIRMS:

By order of the Minister of Justice
/M.J./ Inspector,
Bran. Sl. Popovich (signed)

That this is a true copy of the copy of the original, AFFIRMS:

For the supreme secretary of the
Bishops' Holy Synod
Dean-Referent,
(signed) Vaso Shipka

S E A L
Bishops' Holy Synod
Serbian Orthodox Church

DEFENDANT'S EXHIBIT 29C

Transcrpition

IN THE NAME OF HIS MAJESTY

PETER II

by Grace of God od peopele's wishes

KING OF YUGOSLAVIA

THE ROYAL DEPUTIES

On recommendation of the secretary of Justice, put in conformity with the president of Minister's Council, and on the basis of art. 8 of Law for the Serbian Orthodox Church as well as of article 99 of the Constitution of the Serbian Orthodox Church are

A P P O I N T I N G

as Vicar of His Holiness Serbian Patriarch the newly ordained Bishop DIONOSIJE (MILIVOJEVICH) with a title of Bishop of Moravice.

Let the Secretary of Justice perform this EDICT august 21st 1938

PAUL(signed
R.Stankovich(signed)
Dr.I.Perovich(signed)

Secretary of Justice
M.Simonovich(signed)

That this transcript is a true copy of its original is assertin and confirming

Seal

By the order of secretary of Justice
Inspector
Bran.Sl.Popovich(signed)

That this transcription from a transcription is true with its original

Confirms
In the name og General Secretary of
Seal The Holy Bishop's Synod
referent• Rev. Vaso Shipka
(signed)

That this transcript is a true copy of the transcription and is true with its original —confirms

The chief of the office of
A.E.Metropolia of Belgrade-Karlovci
Mich. Nedeljkovich (signed)

DEFENDANT'S EXHIBIT 30

FIRST CONVENTION
of the
SERBIAN ORTHODOX PRIESTS AND PEOPLE
IN AMERICA
1913
—MINUTES—

On the day of 24th of Oct. (Nov. 5th) 1913, the representatives of various Serbian Church Congregations, with their Priests for the organizing of the Serbian Orthodox Church in North America.

Attending are these Priests:
Archmandrite Sebastijan Dobovich
Archmandrite Joanikije Markovich
V. Rev. Nestor Vukichevich
Rev. Filip Sredanovich
Rev. John Krajnovich
Rev. George Popovich
Rev. Pavle Veljkov
Attending laymen representatives are:
Ivan Vuchetich, Chicago, Ill.

Sava Takshich, Chicago, Ill.

Trifun Tepshich, Steelton, Pa.

Trifun Lazich—representing the Serbian Orthodox Federation Srbobran.

Nikola Grahovac, representing, The Serbian Federation Sloga.

Petar Vujaklija, Johnstown, Pa.

Janko Vukobratovich, Johnstown, Pa.

Luka Uzelac, Kansas City, Kansas

John Stepanovich, Kansas City, Kansas

Nikola Tizich, So. Bend, Ind.

Steve Beslich, So. Bend, Ind.

The Church Congregations, not attending wrote and declared, that they will agree with the decision of the majority: They are; Butte, Montana, Yongwood, Pa., Cincinnati, O., and Cleveland, O; Akron, Ol. Tonopah, Nev. —representative—Arch. Dabovich, Jackson, Calif.

There were not any notes from the Congregations as follows: Pittsburgh, Pa.; Mekeesport, Pa.; Wilmerding, Pa.; Mingo Junction, O.; Chisholm, Minn. (5)

From Indiana Harbor, representatives were present, but later left.

These church congregations didn't declare either for, or against, because they believed it wouldn't succeed, and because they might lack the material means. It is believed that they will join the majority and its decisions as conscious, and sincere patriotic Serbs.

When the delegates came to the hall, the greeting speaches began. The first was Fr. Sava Vojvodich. (He was then priest in Chicago.) He spoke of the writen invitation to the delegates, which explained the need of convening for this church organization. In his lengthy speech, he made a good impression on all attending, who greeted him by acclamation.

After that Very Rev. Archmandrite Sebastian Dabovich spoke. He spoke in a large way, of how he visited Europe and especially the Kingdom of Serbia, and about his speaking with eminent persons in this country, as: Dr. Paul Radosavljevich, Nikola Tesla, Mihailo Pupin and with Episcopalien Bishops, who are willing to help. Our leading Serbs were very glad that the Serbian Church problem may be solved. All greeted him warmly.

The speakers following, were: Rev. Filip Sredanovich, Rev. John Krajnovich, and Rev. Nestor Vukichevich. He said that some ill minded men and priests started to organize churches without foundation, and for that reason it is a false foundation and disorder in every respect.

T. Lazich addressed the gathering, wishing much success.

Rev. George Popovich greeting the gathering, with the wish that our church problem should be better solved, because every priest who may come here, must be disappointed with the circumstances.

T. Tepshich gave his greetings, freely expressing himself.

After that, Mr. Ivan Vuchetich expressed his best wishes, as did Rev. P. Veljkov, Archmandrit Joanikije Markovich, who is against those who are criticising his past work and life.

After all the speeches have been delivered, the Committee for the Verifying of Credentials was elected. In this Committee were: Rev. John Krajnovich, Rev. F. Sredanovich, Mr. Sava Jakshich and Mr. Nick Grahovac.

The attending priests and delegates submitted their credentials for verification.

After the verification by the committee, they declare which delegates have valid credentials.

V. Rev. Archmandrite Markovich declared that he could not recognize the validity of the documents, since they are written mostly in the Greek language.

Rev. Filip Sredanovich, a member of the Committee, submitted a report of the Committee and declared that the credentials of all priests and delegates are valid and they have the right to attend this conference, except Archmandrite Joanikije, who has no document of what and where he was for nine years, from 1897 until 1907.

Archmandrite (Joanikije) Markovich protested, saying —that is nobody's business where he was, but that he is in the priesthood for fifty years.

The attending representatives are in disagreement with his discourteous defense. It was said, that every priest in good order has to have documents where, when and how long he has served as priest. Let him not be angry, but to quickly get these documents and then have equal rights with the other priests.

A disorder began among the delegates which came with him. Finally, they left.

After the V. Rev. Markovich and his group left, the President of the Conference was elected. Rev. Filip is recommending as the person who is the host of the colony and as such is suggested for that duty, Rev. Savo Vojvodich. Since there wasn't anybody against, he was unanimousley elected. The vice-president was to be elected from the laymen. The candidates were as follows: Lazich, Grahovac, Vucetich, Tepshich, Uzelac. All of them did not accept, but Trivum Teshich was elected, and accepted the election.

Rev. Nestor Vukichevich and Luis Uzelac were elected as Secretaries.

The president then opened the conference with a prayer: "King of Heavan". After the singing of the prayer,

the president opened the conference with the first item on the agenda: *"Whether we are willing to organize all our Church Congregations in one, as our Church body?*

Mr. T. Lazich said that we shouldn't spend to much time on this subject because everybody is of the same opinion and that is the purpose of this conference.

Other speakers were of the same thought: Rev. John Krajnovich, Filip Srehanovich, Archmandrite Dabovich, Ivan Vuchetich, Sava Takshich and Rev. Vukichevich. *All of them expressed a sincere wish to have the protection of the King's Serbian Metropolitan of Belgrade—Serbia.*

Rev. John Krajnovich wants a constancy of how many of those present in the delegation are for that opinion.

Rev. Sredanovich reads the report from Church Congregations who are in favor of it. Archmandrite Dabovich said that two new Serbian colonies—Philadelphia, Pa. and Baltimore, Md. will join those decisions.

Rev. Paul Veljkov asked whether we have two-thirds of the Church Congregations already declaring themselves for the organization of a new church.

Rev. John Krajnovich said, yes it would be better if the majority of Church Congregations are present, but in the event that we do not have two-thirds, if we agree, then all others will subordinate our decisions without any regards from the opposite side.

Vuchetich is for that: *what this first convention decides* by majority vote, the minority must submit to the decision.

Lazich said: it would be necessary to find a way and means so that all Church Congregations be constituted and must enlist in this organization and have the same by-laws.

Tepshich declared his agreement with the previous speaker.

2nd

The present practice, that our priests are under the Russion jurisdiction is not corresponding to us, since the Russian Church has been burdened with its own worries, and ours are neglected. For that reason, there appeared disorder among us, therefore we did not have any progress and could do nothing.

Let us ask The Serbian Orthodox Church in the Kingdom of Serbia to receive us under its jurisdiction!

Rev. Filip Sredanovich said: We are all under the Russion jurisdiction, but we do not have any official documents of that. The Russian jurisdiction didn't help our churches enither morally and less materially. The Russian Church has too large a territory, and she hasn't time for our problems. We have to express a gratitude to her for care which they extended to us, but for the future, we have to be together with the Metropolitan of Serbia.

Vuchetich said: none of our churches was under Russian rules.

Vukichevich delared: Many are of the false opinion about that matter, because the majority of our priests hae the Holy Antiminces from the Russian Archbishop and we are forced to be under his supervision. Without the Holy Antiminces, the Holy liturgy could not be served. Then too, we are getting The Holy Oil from them for Chrismation. When we get all of this from our Serbian Church from Serbia, then we may be independent from the Russian Archdiocese here in America. With all my heart and soul, I am willing to come under the jurisdiction of the Serbian Church in the Kingdom of Serbia.

Archmandrite Sebastian spoke also about the spiritual control of the Russian Church, and that they didn't care about our needs. Moreover, she took in her possession

some of our Churches and properties. It is unavoidable and a necessity that we come under spiritual guidance of the Serbian Orthodox Autocephalous Church.

He mentioned some Churches which the Serbs are maintaining but the Russians enlisted them as Russian. The fact that the Serbian Church didn't look for us as yet, the reason is—she is awaiting our move and then she will meet us and fulfill our desires. For that reason we are pleading to her protection, and to be our Protectress.

Jakshich spoke of the fact that we are depending on the Russians. We have to work with all vigor to be received by the Metropolitan of the Kingdom of Serbia.

Vucetich also spoke very emphatically to start to work in that direction as soon as possible.

Father John: This is a Cultural question, about the Church jurisdiction, since the basic teaching of our Church is—that a Church could not be without a Bishop.

The material aspect is heavier because their Church is under the control of the politically powerful, Secretary of Education. But since all of us see how the situation of our church congregations is, in regards to our Church property. Let us take for example: If in some place, our people are resettled and only a few persons remained. They might take the property and be the owners of it. A lot of the Church property will be lost in that way. He is mentioning cases in court, and is against that. Priests could not be under anybody's jurisdiction. In that case, selfishness may appear, and some selfordained priest may appear.

His wish is that the Metropolitan of Serbia confirm our by-laws and regulations which we may prepare, that he then officially recognize them and then that they be valid. For that reason, let us work on our Constitutiion, since the circumstances and questions here, are much better known to us than to them.

Vujaklia and Jaksich spoke about the same matter. They expressed the opinion as all the others did, to come under the jurisdiction of the Metropolitan of Serbia.

After the speeches are completed, that proposal is put to a vote.

Unanimously, all voted for the protection of the Jurisdiction of the Archbishop and Metropolitan Lord Dimitrije in the Kingdom of Serbia.

There was a five minutes rest.

Sesstion has been continued with the president making a motion for the election of six (6) persons—three (3) priests and three (3) laymen—to draw up the Constitution and by-laws. Those elected were:

Rev. John Krajnovich
Rev. Nestor Vukicevich
Rev. Filip Sredanovich
Mr. Sava Takshich
Mr. Trivun Tepshich
Mr. Janko Vukobratovich
Archmandrite Sebastijan Dabovich and
Mr. Petar Vujaklija are also named
This committee started with its work.

The 6th of November at 10 A.M., the convention was opened with a prayer. All delegates are present, and the president declares the meeting is in progress.

Fr. Filip said—that the Secretary was occupied in the work of the by-laws and didn't rewrite the minutes.

President: Time was short for the work to be done on the Constitution, but there was enough done to allow one member of the Committee make a report on it.

Speakers were, Rev. John Krajnovich and Rev. Vukichevcih.

GENERAL REGULATION

I

Art. 1

The Serbian Orthodox Church in the United States of America is governed by a main central board, and is elected at its Convention (Sabor), every three years. . . .

ACCEPTED

Art. 2

The Central Board is divided into three sections—Spiritual, Administrative—Education. The spiritual section consists of the president, three district Archpriests and three persons from Monkhood. . . .

Art. 3

The organization of the Serbian Orthodox Church in the U.S.A. & Canada is based on:

a. Holy Gospel and Bible (New and Old Testament);
b. The Canons of The Holy Apostles;
c. Seven Eccumenical Councils and (9) nine local Councils recognized by the Eastern Orthodox Church;
d. Rules of The Holy Father of Church, mentioned in II Canon of VI Eccumenical Council;
e. Korinchaya—

ACCEPTED

Art. 4

The Serbian Orthodox Church in the U.S.A. is divided into three districts: Eastern, Mid-Western and Western.

ACCEPTED

The rest of the articles were read by Rev. Sava Vojvodich:

The Serbian Orthodox Church in the U.S.A. comprises all of the Church Congregations, eventually adding monasteries, if any, with a Bishop of his representative as head.

She has its own Church National representation and Church National Governing body—in things of Church, Schools, Education, and property autonomously.

ACCEPTED

Name is: SERBIAN ORTHODOX CHURCH IN THE UNITED STATES OF AMERICA. . . .

ACCEPTED

The main representative body is the *convention* and central main committee with three mentioned sections. . . .

ACCEPTED

Other articles are written on an extra sheet of paper.

II

MAIN CONVENTION—ASSEMBLY

See addition which will be included afterward and the original will be saved for comparison—then it will be sealed and left for archive. These sheets should be sewed into this book and they are authentical for this minutes. They are marked by numbers 1-44 pages with pencil.

From page 17-38, these pages are not in the minutes (Evidently, that was not added later).

Page 38.

The president recommend that a name for our Schools should be fixed.

Fr. Krajnovich, Lazich, Veljkov & Vukichevich participated in this debate, which recommends the name: SERBIAN ORTHODOX SCHOOLS.

Nick Krahovac is against that name. Instead of the word "Orthodox", he wanted it to be "National".,

Tepshich is against that and supports the motion of Rev. Nestor.

The president gives an explanation of both words and asks them to be called: SERBIAN ORTHODOX NATIONAL SCHOOLS. He put that motion to a vote. The

voting was counted and unanimously accepted, the name to be: SERBIAN ORTHODOX NATIONAL SCHOOLS. . . .

ACCEPTED

It was decided—that these read Constitution is immediately in force after the acceptance by the Highest Spiritual Church Authorities in the Kingdom of Serbia—

The president put a question about a periodical on the floor— The spiritual paper in the U.S.A. Debate about that question is started.

Krajnovich, Jakshich, Sredanovich and Vurckovich spoke about the need of this periodical. In length Fr. Krajnovich spoke about this theme. All are in accord of the necessity of such a periodical.

Rev. Nestor recommends that the name of this periodical be "Herald of the Serbian Orthodox Church in the U.S.A.: All attending are agreed.

ACCEPTED

The president recommends that a letter from Prof. Mihailo Pupin be read, president of the Federation of the United Serbs—Sloga.

Secretar Fr. Vukichevich read this letter, sent to Rev. S. Vojvodich. In this letter, he mentioned that about $160,000.00 is collected.

ACCEPTED

The president presented two questions:

a) Whether the delegates are willing to take in discussion a resolution which has to be sent to His Grace Archbishop of Belgrade and Metropolitan of Serbia.

b) To elect a future Main Central Committee.

It was decided that the first should be the Main Central Committee which will be elected and take care of the resolution.

The president calls for a few minutes rest.

After 10 minutes, the president takes his place and calls attention to the agenda which is: To elect the President of the Main Central Board.

Fr. Sredanovich—recommends Rev. Sava Vojvodich, priest of Chicago, Ill., who is caring for the gathering—he pleads that he be elected.

T. Lazich is in accord with this motion and supports it.

N. Grahovac—It should be without counter candidate—should be unanimous.

Rev. Sava Vojvodich was elected as president of the Central Main Board.

The president thanks the convention and delegates on their confidence and promises that he will do his best for th betterment of Church Congregations and he will perform consciously his duty.

The three district representatives were next chosen.

Lazich recommends Rev. John Krajnovich for the Eastern district.

Rev. N. Vukichevich, opposes his candidacy, not against the person, but he has in mind that in the Eastern District, there are older priests and with higher reputation and education.

Finally, except for Rev. Krajnovich there are priests from monkhood and they are with Seminaries and other recognized Spiritual Schools. He recommends Rev. Alexije Savich of Pittsburgh, Pa.

Rev. Krajnovich said: he does not know if wherer Rev. A. Savich has any legal documents as priest. He didn't see them. He accepts the candidacy.

In this debate, participating are: Mr. Lazich, S. Jakshich and others of laymen as well as Rev. Sredanovich which supported the candidacy of Krajnovich.

Rev. Nestor protested saying: If we desire peace and brotherly love, it should be done what is right, otherwise we will be without hope of success. Regarding the documents of Rev. Savich, he thinks that Rev. Krajnovich is not an authority of investigation and certification. And since such an injustice is done, he pulls out—he would be under the Metropolitan of Serbia, what is his biggest desire, and he came from over there.

The majority elects Rev. Ivan Krajnovich.

For the Middle-West, Rev. Filip Sredanovich was elected.

For the Western, Archmandrite Sebastian Dabovich was elected.

On the agenda is the election of members for Spiritual needs—for the Ecclesiasticall Court. Candidates are: Vukicevich George Popovich and Dushan Pogich—

ELECTED

Rev. Nestor declares that he is thankful on the confidence but he is sorry, that he could not accept it as he said before. Delegates are of the opinion that he must accept it and they can't approve his resignation.

The following were unanimously elected as members of the Executive Committee of four laymen.

President: Ivan Vuchetich.

Members: Vukobratovich, Jakshich and Uzelac as well as two priests, Vukichevich and Krajnovich.

Next on the agenda was the election of the Main Ecclesiastical Committee. They were recommended and elected. Mihailo Pupin, Prof. Elesin, Smiljanich and P. Vujaklija. From the priests were elected Sredanovich and Veljkov.

The overseeror of all Schools by Acclamation, Dr. Paja (Paul) Radosoljevich, prof of the University of New York, N.Y. was elected.

The president said that the editor of the Herald should be elected.

T. Lazich recommends Rev. John Krajnovich—Elected by majority.

The Seat of the Main Central Board should be established and after a lengthy debate, Chicago, Ill. was chosen to be the seat.

Then the question arose, when and where should the *Second Convention* be held.

Several places were recommended: Johnstow, Pa., McKeesport, Pa., Pittsburgh, Pa., and after a very noisy debate it was decided to vote.

Johnstown, Pa. = 6

Pittsburgh, Pa. = 4

Chicago, Ill. = 4

According to the results of the voting, it was decided that the future convention should be held in Johnstown, Pa., in 1916 in the month of May.

The question arose: who will compose and sign the resolution, which should be sent to his Grace Archbishop and Metropolitan Dimitrije in Belgrade?

On the proposal of S. Jakshich, a committee was elected of 6 persons as: Rev. Vojvodich, Rev. Krajnovich, Archmandrited Dobovich, Vukichevich and Sredanovich and vice-president Ivan Vuchetich.

They were elected

The meeting of the day is closed and ordered to convene at 9 A.M. tomorrow.

November the 7th, 1913. the meeting is opened by prayer. All delegates are present except Mr. Nick Grahovac.

The president presented a motion that before the minutes may be read, a few articles from the Constitution which were not read yesterday, should now be read.

This acknowledged, the reading began which was prepared by Vojvodich and which was read by Rev. Sava Vojvodich who wrote it on separate sheets, and which are added in here (Remarks—they are lost!)

At the time that they are read, the Rules of the Administrative—Executive Committee are also accepted which a amall change.

Mr. Vuchetich presented a motion that to King Petar 1, of Serbia, should be sent a greeting.

All accepted this motion.

The following are read: greeting from Mr. Voja Jovanovich from Cleveland, O., from Tonopali Nevada, who's representative is V. Rev. Dabovich, then a letter from Butte, Mont. in which gratitude is expressed.

A telegraphic greeting to His Majesty King Petar I of Serbia was composed as:

King Petar—Beograd—Serbia—

Representatives of the Serbian Orthodox Church at their assembly—Sabor—in Chicago, accepting the jurisdiction of the Serbian Orthodox Church of Great Serbia, by this are declaring unanimous faithfulness to your Majesty.

Rev. Sava Vojvodich
1905 Fowler St.
Chicago, Ill. U.S.A.

ACCEPTED

After this, the minues were read. Some members made remarks on account of their speeches. After that, the minutes were concluded and signed by all attending, personally on the day of November 7th, 1913, in Chicago, Ill.

Rev. Sava Vojvodich — President

Rev. Nestor Vukichevich — Finan. Secretary

Rev. John Krajnovich, with the remark that he is not satisfied with the stylization of the bigger part of these minutes.

Rev. F. Sredanovich, with the same remark.

V. Rev. Sebastijan Dobovich, enjoining with this first beginning of a great work, even though the first beginning has its lapse.

Rev. George Popovich, it should be better.
Rev. Paul Veljkov, without remarks.
Rev. Savo Jakshich, without remarks.
Rev. T. Lazich, without remarks.
Rev. L. Uzelac, without remarks.
Rev. Janko Vukobratovich, with remarks that pages 18-38 should be inserted.
Rev. Petar Vujaklija.
Rev. Ivan Vuchetich, Satisfied with all work
Rev. Nikola Terzich.
Rev. Steve Beslach
Rev. Trivum Tepshich, accepted with remarks that the Church congregation of Steelton should be notified.

Thanks to all brothers as laymen on their remarks. I am very sorry who they didn't do it themselves. But, I am not against the expressed sympathy, and for that reason I am not accepting the election—

Rev. Nestor Vukichevich

DEFENDANT'S EXHIBIT 31

I

MINUTES

of the

North American Serbian Orthodox Priests Assembly, held in Chicago, October 5, 1916 (by old calendar).

At 9 o'clock in the morning, and after the Invocation of the Holy Spirit in the Serbian Orthodox Church of Holy Resurrection of Christ, in Chicago, the following persons were present:

1. His Grace Sir EVDOKIM, Archbishop of Aleutia and North America;
2. V.Rev. Sebastian Dabovich, archimandrite

3. V.Rev. L. Turkevich, rassian priest from New York City
4. V.Rev. Sava Vojvodich
5. V.Rev. John Krajnovich
6. Rev. Philip Sredanovich
7. Rev. Dimitrije Mitrovich
8. Rev. George Popovich
9. Rev. Paul Veljkov
10. Rev. Marko Komnenich
11. Rev. George Milosavljevich
12. Rev. Dusan Trbuhovich
13. Rev. Rev. Matija Stijacich
14. Rev. Anto Jaksich
15. Rev. Petar Stijacich
16. Rev. Zarko Trifkovich

His Grace, Archbishop Evdokim opened the Assembly with a very impressive speech. Among other things, in his address, he mentioned the fact this Assembly is an historical event in the history of Serbian Church, in America. Also, he said that this is the first time a Russian Archbishop presides over a Serbian Priests Assembly. Then he went on and spoke about his friendship and love for Serbian people in the past. And, because of his friendly attitude toward Serbs, His Majesty King Petar the I, and His Grace Mitropolitan Dimitrije, awarded him with Medal of St. Sava, and asked him to take motherly care of Serbian people, in America.

At the end of speech, Bishop was enthusiastically greeted, with "long live!"

Then, the V.Rev. L. Turkevich, greeted the Assembly, in behalf of russian priests in America, wishing them a good success. He was greeted enthusiastically, with "long live!"

Then, the V.Rev. Vojnovich stood up and explained the purpose of this gathering, and that he is very glad that the Serbian church is under the jurisdiction of His Grace, who is full of love and goodness, recommending to all priests to show their appreciation, and that they should be united on all Assembly matters and purpose, and by this unity of thought invoke St. Sava's blessing upon themselves on the way back home.

Then, the V.Rev. Sebastion spoke, and said: that this is not the time for sentimental speeches. Moves to go ahead with the agenda.

Then, the V.Rev. John Krajnovich spoke, and said: that this is not the first priests gathering, they had them in the past. But, neither of these were successfull, because there was no any authoritative person to preside over them as they have now. He praised, then, all those priests who attended the Assembly gathering, but criticized those who did not find the time to come. Foresees good future for Serbian church and priesthood, in America, due to the fact that they have now their spiritual leader whom they did not have before.

In the very beginning of the opening of the Assembly several telegrams were received, addressed to His Grace the Archbishop, and those came from: Bisbee, Miami and Glob, Arizona, wishing a very successful gathering! Also, a telegram was received from Rev. Father Vuksich, Youngwood, Pa., excuzing himself for not being in position to attend the Assembly, and wishes a good success! Assembly greeted the senders of telegrams, with "long live!" Also, Rev. Mitrovich was acknowledged and greeted, for the three telegrams received from Arizona, which parishes were under his administrative jurisdiction. It was, also, agreed that many priests could not attend the Assembly, because

of their duty in the parishes. Like, for instance: Rev. Bogich from Wilmerding and Rev. Smiljanich from McKeesport, Pa., nevertheless, who are in agreement and in spirit with us at this Assembly.

The "Normal Constitution for the North American Orthodox Diocese" from 1909, was accepted with a few exceptions, and those are:

In paragraph 1, the words "Russian Church" were substituted with "Serbian Church", and at the end of the same the following words were added "at the request of parishioners, and with the agreement of the canons of Orthodox Church".

In paragraphs 12 and 13 the serbian form of the refered books will be printed.

In paragraph 17, at the certain place, the following words will be inserted "with the right to speak, but not to vote".

In paragraphs 19 and 20, at certain places the following words will be inserted: "parochial priest with the assistance of church president", "with priest".

Paragraph 22 will begin: "The president has the first right of the voice after the priest".

In paragraph 26 at the certain place will be inserted: "The priest will announce meetings in the church".

Paragraph 32 will begin: "The words" Church-staro-sta—" will be substituted with "tutor" or church-warden. Also, in other cases, in connection of translation of this Constitution the Serbian terminology will be used.

In paragraph 33 the open voting was accepted, while the words, allowing the secret voting will be dropped out. that the paragraph 41 should not be discussed at this lenghty discussion was opened. The Archbishop, at this moment, explains the holiness of Holy "Miro" and the Holy "Antimins", which is given to priests and churches by Bishop, only. He said, in order that these two Holy

Articles, mentioned above, could be given to a church—that the Bishop should be a member of that refered Church Trustee Board—which Board is comprised of a priest and several members of the Church Executive Board. This would be a kind of better guarantee, that church property and the Holy Articles in it, would never fall into the hands of selfish and even Godless people when those Holy Things would be exposed to blesphemy, which is a big sin in the eyes of Orthodox Christian teachings. The majority voted that the paragraph 41 should not be discuussed at this time, but rather should be brought up at next Assembly, and in the meantime, people should be notified about this and prepare themselves to discuss it intelligently, when time comes, in order to reach a positive solution to this matter.

It is decided that several paragraphs should be added to Constitution for Bishop's Aids, in which their duties should be described. For instance: Bishop's Aid is right hand of Bishop, himself; and he is a mediator between Bishop and people, the same way as an ordinary parochial priest is a mediator between Bishop's Aid and the people.

Serbian churches, in America, are divided into 4 presbyteries "proto-presviterijata":

1) Eastern—from Atlantic to Pittsburg, Pa.;
2) Middle—from Pittsburg to Chicago, Ill.;
3) First Western—from Chicago to Denver, Col.;
4) Second Western—from Denver to Pacific Ocean.

The Bishop's Aid for Eastern Presbytery was elected V. Rev. John Krajnovich. Under his jurisdiction are the following churches and priests:

1) Farrel, Pa.—Rev. I. Vukicevich
2) Hamilton, Canada—Rev. John Kukulevich
3) Johnstown, Pa.—V. Rev. John Krajnovich

4) Lebanon, Pa.—Rev. Milan Mrvichin
5) McKeesport, Pa.—Rev. John Smiljanich
6) Pittsburgh, Pa.—Rev. Al Savich
7) Steelton, Pa.—Rev. B. Popovich
8) Wilmerding, Pa.—Rev. Dusan Bogich
9) Woodlawn, Pa.—Rev. Dav. Popovich
10) Youngwood, Pa.—Rev. J. Vuksich

The Bishop's Aid to Middle Presbytery was elected Father Philip Sredanovich, with following churches and priests:

1) Barberton, O.—Rev. N. Stojakovich
2) Cincinnatti, O.—Vacant
3) Cleveland, O.—Vacant
4) Detroit, Mich.—Rev. Dusan Trbuhovich
5) Gary, Ind.—V. Rev. Ph. Sredanovich
6) Indiana Harbor, Ind.—Rev. Matija Stijacich
7) Mingo, Junction, O.—Rev. Dan. Bukorovich
8) South Bend, Ind.—Rev. Milan Jugovich

The Bishop's Aid to First Western Presbytery was elected Father Sava Vojvodich, with the parishes and priests:

1) Chicago, Ill.—V. Rev. Sava Vojvodich
   His Aid: Rev. Zarko Trifkovich
2) Chisholm, Minn.—Rev. Stef. Bozickovich
3) Kansas City, Kans.—Rev. George Milosavljevich
4) Milwaukee, Wis.—Rev. Paul Veljkov
5) St. Louis, Mo.—Rev. Anto Jaksich
6) South Omaha, Neb.—Rev. Petar Stijacich

The Bishop's Aid to Second Western Presbytery was elected Father Dimitrije Mitrovich, with these churches and priests:

1) Angeles Camp, Calif.—Vacant
2) Bisbee, Ar.—V. Rev. D. Mitrovich
3) Butte, Mont.—Rev. Marko Komnenich

4) Douglas, Alaska—Vacant
5) Glob, Ar.—Rev. Jak. Ocich
6) Jackson, Calif.—Rev. Seraphim Vukojevich
7) Los Angeles, Calif.—Vacant
8) San Francisco, Calif.—Vacant

The V. Rev. Sava Vojvodich, from Chicago, was elected as the chief—priest for aa 4 Presbyteries, to represent the Serbian Church, in America, before Archbishop of Orthodox Diocese, in North America.

His Grace Sir Archibishop suggests that the deserving priests should be recommended for promotion and awards —according to degree of their accomplishments.

Rev. Trbuhovich recommends "The American Srbobran" newspaper as an official Medium-Communication of the Serbian Church, which page, in the "Srbobran" would be edited by V. Rev. John Krajnovich. On the topic speaks Rev. Trbuhovich saying, that the Srbobran Federation is very much deserving for our churches and orthodoxy in America, and they should be helped.

V. Rev. Turkevich suggests that the Russian newspaper "The American Orthodox Messenger" should open few of their pages to Serbian Church. Archbishop accepts the idea adding, that he is willing to give 4 pages for this purpose, with a title: "The Serbian Church Messenger". This was accepted with a deep gratitude from Serbian priests, with decision that this Messenger should be an official publication of Serbian priests.

Recording Books (baptizms, marriages and burials) should be ordered and printed by Srbobran Federation. Agreed.

Archbishop suggests that some organization should be organized which would be named after St. Sava, or some other, which would print and spread the religious material,

in leaflet form, among the people for their better religious understanding and other information about the church activities. Agreed.

Archbishop suggests that once per year, every church should pass a collection plate, in church, for the sake of covering some official expenses and needs. Agreed.

Archbishop further suggests that some special award-certificate should be made which would be given to deserving church members and workers. Agreed.

The Motion was made by Rev. Sredanovich that Archimandrite Sebastian Dabovich should be elected as a PRIEST-CONFESSOR. Agreed.

V. Rev. Turkevich suggests that the Russians and Serbians should have joint cemetery—wheresoever they may live together, in the same place or city. Acknowledged.

Rev. Trbuhovich raises complaint against some russian priests, in Detroit, who are performing church services to his parishioners, especially Rev. Salko who is the worst. Advises Archbishop to take a firm action and put a stop once and forever to these discipline-breaking examples.

Archbishop asks would there be a need for some more Serbian priests, and the following places were numbered:

1) New York City
2) Philadelphia, Pa.
3) Baltimore, Md.
4) Lakawana, N.Y.
5) Lebanon, Pa.
6) Regina, Canada
7) So. Bethlehem, Pa.
8) New Duluth, Minn.
9) Cincinnati, O.
10) Cleveland, O.
11) Fairpoint, O.

12) Pueblo, Col.
13) Glob and Miami, Ar.
14) Tonopah, Nev.
15) Akron, O.
16) Los Angeles, Calif.
17) Douglas, Alaska
18) Angeles Camp, Calif.
19) San Francisco, Calif.
20) Brigham Canion, Yutah
21) Anaconda, Mont.
22) Kewanee & Peoria, Ill.

Attention is payed to Bishop's Aids to be very carefull in selecting the candidates to priesthood. Newly ordained priest will have two months practice before taking over a parish duty.

Rev. Trbuhovich appeals for uniformed church services. They should follow in this respect the way and pattern of Bishop Melentije.

Rev. Milosavljevich asks if he would be allowed to perform church services for Rumenians in their own native tongue. Archbishop says that would be very beneficial for these people to to hear the church services in their own language.

It's announced that the Holy "Miro" and Holy "Antimins" will be obtainable from the Bishop's Aids (Archpriests—).

Archbishop suggests that some preparatory religious courses for candidates to priesthood should be opened.

On the question of Rev. Jaksich, how does one obtain a priests diploma. Rev. Turkevich answeres: that those are issued by consistory for the fee of 10 dollars which goes to benevolent FUND.

Rev. Komnenich how one can get those record books which were taken away, by some priests. It is explained that those should be asked through the intervention of Bishop' Aid.

Rev. Veljkov asks if he can tell to his people, in Milwaukee, that he does not reconize the jurisdiction of Russian Archbishop, otherwise they won't accept him as their priest, Rev. Mitrovich answers: that the Assembly could not give such an aproval. Rev. Trbuhovich says that it is not of our concern what Rev. Veljkov will say around the corners in order to get a parish for himself.

Archbishop agrees to transfer Rev. P.Stijacich from Lakawana to South Omaha, Neb., because Lakawana does not want to have a priest untill they build their new church.

Rev. M. Stijacich pleads with the Assembly if he may reinforce his congregation with some families from Rev. Sredanovic and Rev. Vojvodich parishes, because, Indiana Harbor parish is to small. It is found that the above mentioned parishes are not better off numerically that Indiana Harbor.

It is decided that the next priests Assembly will be held next year in Johnstown, Pa.

Rev. Sredanovich took the minutes, which were aproved and signed by two witnesses to the minutes: V.Rev. Vojvodich and V.Rev. Krajnovich.

The Assembly was adjourned at 7 o'clock in the evening, with prayer. At the end Archbishop thanked all the participants encouraging them in their hard pastoral duty, not to be afraid of any obstacles in preaching Holy Gospel to the people. He was enthusiastically greeted, with "long live the Archbishop!"

DEFENDANT'S EXHIBIT 32

OFFICE
of The
HOLY GOVERNING SYNOD
section VI
July 6, 1917
No. 694.

TO THE HIEROSINGELOS
FATHER MARDARY

Office of the Holy Synod has a honor to notify Yoy, that according Your prayer You are released from Your church-teacher's duty. You are appoited to the service of His grace Aleutian and North-American Bishop.

Chief of Office P.Gurjev
General secretary G. Levitin

DEFENDANT'S EXHIBIT 33

TRANSLATION

BROTHERLY SERBIAN PEOPLE!

Some people in world is born during the war thunders and shakings of storms. A great misfortune fell upon the Serbian people in this world war. The Teuton hords devastated all Serbian land, killed and by hunger your martyred people. Jails were filled up with thousands of real fighters for the right of Serbian cause and thick darkness fell on beautiful Serbian land. Cries of innocent people: olds, women and children in echoing throughout the world.

But the spirit of the Serbian people didn't fall down. He remained on the hights of its historical mission. His heroic spirit in the present world war with its immortal efforts became stronger through the history of mankind. For a such nation, which got sympathy of the best part of mankind, in the great family of nations a proper place is secured. Very soon time will come for the rebirth of the Serbian people. With brothers—Croats and Slovenes—he will resurect with a greater power and glory.

Being all the time favorable to the Serbian people the great Russian nation already showed to them its brotherly feeling through the Russian Orthodox Church in America. Beside of her spiritual flock the Russian Church for a long time has been the guardian of the Serbian people in this over-oceanic land in which more than 200,000 Serbs find their shelter.

Finding that the time is ripe that to the Serbs should be given a possibility that they, themselves, may organize their own church life in America, *The Holy Synod of Russian Church decided, for the purpose of organizing an indcpendent Serbian Diocese, to send a known person and devoted panslavist and Serb, a candidate of Russian Academy, Father Mardary Uskokovich. He is appointed to be the chief of the serbian mission in America. His duty is;*

TO CALL A SERBIAN CHURCH-NATIONAL ASSEMBLY OF THE SERBIAN PRIESTS AND PEOPLE FOR THE ORGANIZING OF THE SERBIAN ORTHODOX CHURCH IN AMERICA.

In the name of the Russian Orthodox Church, I am notifying the Serbian priests and people and I am invoking God's blessing *for an independent church life of the Serbian people in America.* Let the immortal spirit of the greatest Saint of Serbian sountry—St. Sava be with the renewed Serbian Church in America that she may flourish for the glory in the name of Christ and for the benefit of the martyred Serbian nation.

Serbian Church in America, dear sister of our Russian Church, let be renewed in the spirit of unity ordered by Jesus the Saviour. Let all Serbian people be united in one integral Serbian Church, to be under the flag of church-national unity, in peace, in harmony and love, and to show in here the old glory of the Serbian Orthodoxy.

May Grace of our Lord Jesus Christ, and love of God the Father, and the communion of the Holy Spirit be with the faithful Serbian nation on its road of creating of the INDEPENDENT SERBIAN CHURCH IN AMERICA.

Governing the North-American
Orthodox Mission
Bishop ALEXANDER
October 23, 1917.
New York.

DEFENDANT'S EXHIBIT 35
SERBIAN EASTERN ORTHODOX DIOCESE
IN THE U.S. OF AMERICA AND CANADA
ADMINISTRATOR
RT.REV.ARCHIMANDRITE M A R D A R Y
CHICAGO, ILLINOIS
1905 Fowler street

Diocesan No. 1
January 30, 1923
Chicago, Ill.

Reverend father,

The Holy Archibishop's Synod of Serbian Patriarchate at its meeting of December 7th of 1922 in Belgrade, upon a recomendation of His Grace Bishop Nikolaj, unanimously elected me as administrator of Serbian Diocese in America which was established two years ago by the decission of Bishop's Council.

This is to notify you officialy for your knowledge.

You shoul to continue to mention in the holy services beside of name of His Holines Patriarch Dimitrios and the name of His Grace Bishop Nikolaj, who is canonical Bishop of this Diocese.

Confirm recept of this document.

(Seal) Archimandrite M A R D A R Y
Administrator of the Serbian Docese
in America

Rev.father
Nikodim Stoyakovich

A circular letter to all priests.

Mingo Jankshon.

DEFENDANT'S EXHIBIT 36

Serbian Orthodox Bishop
of Ochrida and America
Official
11/24 December 1922
in Belgrade

Dear father Archimandrite,

As His Holiness Patriarch said: You are directed to go to America to be administrator of overdere our church until God's will will be that we may come overdere.

Since in your new duty nobody is paying you, neither church nor Royal government, you will be forced to maintain yourself from your salary of parish which previously you served. Regarding your extra traveling and administrative Expences you have to make some agreement with clergy and church congregations.

Your first duty should be to teach our people to the christian life as it is established by the Orthodox Church. Pastorel and spiritual duty of a priest must be above all other duties.

A special attention should be given to those small our church colonies without priests. You have to organize that the neighboring priest may visit them. In colonies with a church and priest religion and educational life should be brought to the normal a regular way.

All spiritual - church cases, which are in jurisdiction of the Bishop, you will collect and send to us.

You should take care and help that in all property cases and dificulties our Church Congregations may obtain their rights and secure their properties.

We hope that our Consular Authorities, our clergy and people will help you with the same confidence with which the Holy Synod is sending you and we hope, not less, that you will justify that confidence by God's help and your work.

Let God help you on your road, on the see and the earth (Js. 43. 2-3) and be Your helper in Your service which is full of efforts and responsibilities.

With God's blessing
Bishop of Ochrida and
America
NIKOLAJ (signed)

Mr. Mardary Uskokovich
Archimandrite

DEFENDANT'S EXHIBIT 37
MINUTES
of the CONFERENCE of SERBIAN ORTHODOX PRIESTS of AMERICA, held FEB. 21st 1923, in GARY, IND.

Archmandrite Mardary extends a greeting to the gathered priesthood and explains about the position of this newly formed Diocese, about her affiliation toward the Church in the Kingdom of Serbs and Slovenes. In general, he is giving the future organization in connection with his appointment by the Holy Synod. All attending are listening carefully and then they elected him as vice president and secretary of this conference. As president was elected V. Rev. Nestor Vukicevich and Very Rev. Dushan Trbuhovich, who was elected as secretary, also.

Attending were: Administrator of the Diocese, V. Rev. Mardary Uskovich, V. Rev. Dushan Trbuhovich, V. Rev. Nestor Vukicevich, V. Rev. John Krajnovich, V. Rev. Danilo Kozomara, Rev. Paul Veljkov, Rev. John Smiljanich, Rev. Milan Mrvichin, Rev. Marko Komnenich, Rev. Hariton Marjanovich, Rev. Petar Stijachich, Rev. Dushan Bogich, Rev. Sofronije, Balabem, Rev. Jeronim Vukshich, and Rev. Joanikije Kukoljevich.

Rev. Filip Sredanovich, Rev. George Milosavljevich, Vlado Porobich, Zarko Trpulja and Zarko Trifkovich wrote that they are unable to attend.

The administrator of the Diocese gave a suggestion that a discussion may start about the material means for the maintenance of the Diocesan Board.

Rev. Smiljanich gave a motion that every priest may pay $25.00 for the Diocesan Fund for the beginning of work of the Central Diocesan Committee.

V. Rev. Trbuhovich presented a motion that every priest pay monthly per $5.00. Both motions are supported.

V. Rev. Danilo Kozomara is giving a motion that every priest may give *once* $25.00, counting $5.00 for 5 months and for other 7 months to give, monthly per $5.00.

Rev. Dushan Bogich supported these motions and they were accepted.

Rev. John Smiljanich is recommending that matricular books be established and the official certificates to be issued insted of those documents given by the Consulate General. Taxes for them to be the same as they were ordered by Consulate, that three members of the Diocesan Ecclesiastical Court be elected as well as one person for Secretary.

V. Rev. D. Kozomara presented a motion that as members of the Eccliastic Court, the following be elected. Krajnovich and Trubuhovich. Rev. Veljkov supported this motion which was unanimously accepted.

Rev. Smiljanich presented a motion that for other the other two members of the Ecclesiastic Court, be elected Shjachich and Comnjanich. Rev. Bogich supported this motion. Rev. Shjachich did not accept it. Rev. Veljkov presented a motion that D. Kozomara be secretary. They are unanimously elected: Rev. Kamnenich and D. Kozomara.

It has been resolved, that the Ecclesiastic Court may declare in order, some examinations for priests, and that this is to be equal to a diploma of the same examination as in the old country.

Upon the motion of Rev. Kozomare, it was resolved that the Church Congregations may accept the priest through the Ecclesiastic Court. The Ecclesistic Court has the right to announce selections and to permit the priests for competition.

It has been resolved that the Diocese may have her Diocesan Herald and as the editor, Rev. Stijachich was elected.

It has been resolved that tax for divorces before the Church Court should be $25.00, as it is in other Orthodox Churches in America.

All Signed—
Archmandrite Mardary
V. Rev. N. Vukicevich
Rev. P. Veljkov
Rev. Jeronim Vukshich
Rev. Hariton Marjanovich
Secretary
V. Rev. John Krajnovich
Rev. John Smiljanich
Rev. Dushan Bogovich
Rev. Dushan Trifunovich
Rev. Petar Stijatich
Rev. Sofronije Bolobem
V. Rev. Danilo Kozomara
Rev. M. Komnenich
Rev. M. Mrvichin
Rev. Joanikije Kukoljevich

DEFENDANT'S EXHIBIT 49

BISHOP
OF THE SERBIAN ORTHODOX DIOCESE
IN AMERICA AND CANADA
E. NUMBER 127
JULY 21, 1927

SERBIAN ORTHODOX CHURCH-SCHOOL CONGREGATION

Considering that the bringing of Diocesan Constitution is a vital question for the establishment, progress and future of our Diocese and of all our nation in America and Canada, WE, as Diocesan Bishop, decided to call THE FIRST CHURCH-NATIONAL ASSEMBLY OF THE SERBIAN ORTHODOX DIOCESE IN AMERICA AND CANADA, which will be held on the First day of September of 1927 according to the new calendar (Gregorian) at the Monastery of St. Sava in Libertyville, Illinois.

We announce to you about that decision and invite you, as Diocesan Bishop, that you, for this Assembly elect and send two delegates as representatives of Your Church Congregation which will, together with you Bishop and the delegates of other Congregations, of Fraternal Benevolent organizations and of other organizations from all over America, prepare a CONSTITUTION FOR OUR DIOCESE. According to its position your priest is considered as a legal member of the Assembly.

Let the Church-School Congregation on a meeting during the month of August of this year elect by majority votes, the delegates, and to send them together with the priests, to the Assembly. Your Congregation, by that manner, will brotherly participate at this very important and historic Church-National Assembly and help in the bringing of the Constitution and to create a strong church

organization for the security of a prosperous future to the Serbian Church and Serbian people in here. In a mutual brotherly understanding and work we could create better and more fortunate days for the Serbian young generation in American and Canada. In the name of young and future generations of our nation in this country, I am, as Your Bishop inviting Your Congregation to this spiritual upraising under the unfolded flag of St. Sava Nemanjich. Let your congregation be among the first lines for the glory and pride of our holy Serbian Orthodox Church and of our dear Serbian People.

With the Archbishop's greeting and blessing,

Bishop
of America and Canada

DEFENDANT'S EXHIBIT 51
PART OF THE CONSTITUTION
of the
Serbian Eastern Orthodox Diocese in the United States of America and Canada
1928

Syn. No. 2386, from 1928

By the authority of the Holy Episcopal Assembly of the Serbian Orthodox Church EANo. 14/77, from 12/25 of October, 1928, this Constitution was approved.

At the meeting of the Holy Episcopal Synod, held in Belgrade, December 1/14, 1928.

(Place of Seal)
Holy Synod of the Serbian
Orthodox Church, in Belgrade.

President of the Holy Episcopal
Synod Metropolitan of Belgrade and
Karlovei and the Patriarch of Serbs
DIMITRIJE

Members of the Holy Episcopal
Synod: Metropolitan of Crna Gora
and the Coast
GAVRILO

Bishop of Temisvar and Velika
Kikinda
GEORGIJE

Bishop of Nis
DOSITEJ

Bishop of Timok
EMILIJAN

EXPLANATION OF THE HOLY EPISCOPAL SYNOD

On the Constitution of the Serbian Eastern-Orthodox Diocese in the United States of America and Canada, approved on the meeting of the Holy Episcopal Assembly from October 12 (25), 1928, EANo 14/min. 77.

1. The main principle which must be always considered at the time of approval of the autonomous organization of a church branch is this, that the top church authority which gives approval of the autonomous administration to some of its branches with an organizational regulation, is guaranteed the right of approval of any changes of such an organizational regulation. In regards to this, to section 8, article 23, after the words: ("The Diocesan Assembly) . . . decides about the additions and changes in the Constitution", the following words should be added: "with the approval of the Holy Episcopal Assembly of the Serbian Patriarchate".

II. Beside this main function, about the additions and changes of the organizational regulation, the spiritual church authority should, also, watch over the rest of the legislative and executive business of church autonomy, that there would not be any limit crossing in the sphere of activity of church self-government and that there would not be, especially in the domain of internal church Government, any violation done to the unchangeable canonical and judicial, religious and moral principles and to the very foundation of Orthodox Church. So, in article 12, after the sentence: "he, (that is, the Diocesan Bishop) won't make any changes and innovations in regulations and any other church work without the consultation of him (that is, of the Serbian Patriarch"), must enter a separate sentence: "Therefore the Diocesan Bishop will show to Serbian Patriarch all the regulations, which will be made by any of the diocesan bodies, which will, if they are touching the

sphere of internal church government, depend upon the approval of the Holy Episcopal Synod, as the highest church executive power". Also, in article 58, section 1, after the words: "The Court's procedure and the working plan for Church Consistory will be made immediately, as soon as this Constitution is approved, by the members of Church Cosistory, themselves", the following words should be added: "with the approval of the Holy Episcopal Synod of the Serbian Patriarchate".

And, in the case of conflict about the jurisdiction the decision will be withheld for the highest church authority, which is the Holy Episcopal Synod, and so, in the article 58, section 2, after the words: "if between a board and the Diocesan Church Consistory comes to some kind of misunderstanding about the jurisdiction, the decision will be made by the Diocesan Council in the PLENUM, to which the controversial subject will be submitted by the Bishop "—will come this separate sentence: "if the Bishop does not agree with this decision, then, the subject matter will be sent to the Holy Episcopal Synod of the Serbian Patriarchate for final approval"; same thing goes if there is some misunderstanding about the jurisdiction between the Bishop and the Church Consistory and any other church authority or official. This includes the rights of the Bishop as the hierarchical representative on so called "veto power" against the decision of the Diocesan Councel to the same Councel for the renewal of discussion and the final decision, and instead of article 54, by which the Bishop uses the "veto power" against the decision of Church Consistory to the same Consistory for the renewal of the process and the final decision, should enter into the article 12, as a separate close, this: "If the Diocesan Bishop finds, being convinced first himself that the deci-

sions of any church authorities or officials are contradictory to the teachings of the Holy Church, the Holy canons and the best interests of the church, then, he will stop the execution of such a decision and the matter submit for a new discussion and the decision; if he disagrees again, then, the controversial subject will be brought up before the higher authorities for its final decision, in case of necessity even before the Episcopai Synod". All these measures are necessary as a guarantee to Serbian Church, which, beside the responsibility to Orthodox Church, watches over the wellfare of the autonomous Diocese in America, that that Diocese would not go astray at the expense of the church and its unchangeable canonical-religious and moral principles.

III. All these measures of precaution are nothing, if there is not enough precaution taken at the time of selection of the Diocesan Bishop, the main hierarchical representative of the autonomous church in America. Therefore, in article 9, after the words: "the Bishop . . . is chosen by Serbian Patriarch" the following words should be left out: "but first with the agreement of this Diocesan Council."

Also, instead of the words: "the Serbian Patriarchate" should be: "The Holy Episcopal Assembly of Serbian Patriarchate".

The Bishop should be corrector of the autonomous life and its main hierarchical representative in the far-away-land, the true and exclusive exponent of the will of the highest hierarchical authority, having in him the full confidence.

The big responsibility would be placed upon the Serbian Church, if this guarantee for Orthodox Church would be left out, as a special favor to Church in America, giving her the widest possible autonomy, where the freedom of its citizens is so great and known. For this reason the question of Bishop's assistant should be carefully examined, and so, then, the first sentence in article 13, which reads: "during the sickness or absence of the Diocesan Bishop he himself shall find his assistant", should be supplemented with these words: "and determines the sphere of his work"; and the second sentence, of the same article, which reads: "When the Diocesan See is vacant, the widow-Diocese will be governed in all its spiritual and administrative matters by her Diocesan Consistory and the Diocesan Council" should be supplemented by the words: "untill such a time comes that the administrator is appointed, which is done by Serbian Patriarch with the Holy Episcopal Synod". And, instead of the words: "governs the widow-Diocese" should come the expression: "assumes the administration of the widow-Diocese".

IV. And the appointments of parochial priests as hierarchical representatives in the parish should be limited, and some rights about this should be reserved for the bishop. So then, in article 117, after the words: "At the time of bidding, the candidates will enclose with their petition the original theological diploma, and the official letter (GRAMATA) about their ordination to the priesthood", the following words should be added: "to the Diocesan Bishop, who examines the qualifications and allows to the election only those, who are possessing the necessary ability". The second sentence, in article 118, by which the bishop approves the priest elect, which rights are granted to him in the first sentence of the same article, should be left out.

V. Since the Monastery will be governed by a separately made regulation, then, in article 39, section 6 the words: "and the Monastery" should be left out.

Likewise, in the article 57, in section 4, "as far as the relation is concerned unto the autonomous organization

that will be separately treated". And the article 14, section 2, should be read: "The Diocesan Bishop is at the same time the supreme abbot of the Saint Sava Monastery, in Libertyville, appoints there the abbot and executes canonical and executive rights over the monastery".

VI. The construction of the article 143 and 145, is changed in favor of priest's support, which is of great importance to his general and theological qualifications and perfection.

DEFENDANT'S EXHIBIT 61
CHARGES WITHOUT SIGNATURE
NO. 32
November 27, 1962
Chicago,

November 27, 1962
Chicago,

Your Grace,

In connection with our conversation and by Your wishes I am sending to you this information:

Bishop Dionisije can not stand anybody around him.

Firstly he succeeded to put emnity between Bishop Nikolai and Irinej, by his intrigues. He chased out Bishop Irinej from his living quarters. He lived in the old build-

ing with other personnel, afterwards. He had to leave Libertyville, and soon went to England. There he even died.

Bishop Nikolai, under the pressure of Bishop Dionisije and the monks at that time, (Nikano Paljich, later defrocked because of marriage and the children born in concubine status; and the present Diocesan secretary Dimitrije Balach, he cursed him his lazy and greedy mother) went at first to Slavko Stokovich and then to Russians in Canan. There he even died.

He chased out Dimitrije Balach from the monastery and for two months one didn't know where to find him. The arguments started because of bishop's girlfriend, Milka Shuka. You don't see nothing from Milka's. . . . It's on Your nose. . . . Balach has said to Bishop Dionisije. This happened in front of young and before, at that time secretary of Diocese, arch. Rirmilian.

He chased out Firmilian under the pretense that one cannot work with him anymore. At first he tried to smear him up as distrustful diocesan financial secretary. Haven't succeeded in this, he fired him from the office and monastery with any justification. Firmilian wondered around the Libertyville and Chicago for long time without any means for livelihood. He was supported by his many friends.

The V. Rev. Sava Mikovich, (now in Yugoslavia, monastery of St. Stefan, in Boka) because of witnessing to too many bishop's unpriestly ventures, had been chased out from the Monastery and Shadeland. He wondered around from bad to worse for more than a year. Finally, he went to Yuvoslavia. Sava is 80 years old. He was merciless to that man.

Svetozar Radovanovich was chased out in the street not knowing he himself why. Many times he pulled his leg but somehow they were making up again and continued together in the work. Since he hasn't succeeded to smear him up, at one of court's meetings he hid some of his documents and this he took as reason to release him at once from all duties and chased him in the street penniless. Having been asked by some friends how is he supporting himself, he answered: by the wishes of my bishop I am grazing and therefore am always plenty fed.

Ugljesa Jelich was released from the duty as parochial priest in Libertyville only for the reason that he couldn't stand any longer the intrigues between him as priest and the members of congregation's board. That Ugljesa could get another means of support he agreed to sign the notice of release as if he himself wanted to leave from Libertyville.

BISHOP DIONISIJE AND THE BUSINESS

Buying and selling of real-estate and business speculations are taking three quorters of his time. Church business he is doing on a hurry and without any thinking, his commercial business he is doing very conscientiously, with concentration and thoughtfulness.

Inasmuch as it's known to me he has a big property in California. On some properties, in California, he has even buildings for rent. In the state of Illinois he has on many places houses and lots. In Waukegan he has a vacant lot beside the very Lake of Michigan, a two floor house, which he gave to some Frances (called Bozic) now married to Milan Teodosich, a former son-in-law to V. Rev. Mladen Vukicevich, in Jagodina. Bishop's love affair with this Frances costs him over $30,000. The house itself costs over

$20,000 and the furcoats, dresses and jewelry over $10,000. For all of this knows even her present husband Milan Teodosich. As a matter of fact bishop even talked Frances into marring the Milan even thou he wasn't as yet been divorced from his first wife, the doughter of V. Rev. Mladen. In Libertyville he purchased a house on his name but not long after he had transferred it on his first love in America, Milka Shuka. He sold her the house but under the condition to return it back to him after her death. The house was paid over $18,000. All details about this bishop's transactions knows Toma Stankovich, Slavko Stokovich, from Libertyville and, may be, even archimandrite Firmilian now the pastor in New York. Probably with this is acquainted even a former Diocesan secretary, Svetozar Radovanovich, now in Waukegan. He threw out Milka Shuka from bishop's residence, unable to take any more of her terrors over bishop and the Diocesan personnel.

In Canada, in Niagra Falls, he has purchased over 100 acres of land two years ago and immediately he took away 15 acres and gave as present to his youngest girlfriend Rada Milentijevic. Stanimir Jakovljevich, a store keeper in Chicago, is correctly informed about the value of this land and how much is given as present to Rada and how much this land worth today. About this present even today is spoken in Chicago and vicinity with laughings at bishop. By the Buffalo, in the state of New York, he has also a big property, purchased several years ago for cheap money. Close to the Monastery he has an old peoples' home in partnership with Slavko Stokovich. Monthly he clears exactly $1,000. Such an agreement is made between the partners.

BISHOP AND WOMEN

Beside Milka Shuka who, some time back, ruled the Diocese and was a scandal in this land, bishop Dionisije had and he has yet a many more women, according to his own words (arch. Firmilian, Toma Starkovic, Svetozar

Radovanovic, Slavko Stokovic, Dimitrije Jovanovic, Dr. Urosh Seferovic, Momcilo Djujic, Irinej Kovacevic, Dusan Popovic, Branko Kusonjic and others).—Rada Milentijevic, as a student in Chicago, to whom bishop had bought firstly a Chevrolet and later a Cadillac car, walked openly arm under arm with him in Chicago. They met at motels, hotels and private homes. She traveled in the car with him to California and other places in America and Canada. —In Elgin, about 30 miles from the Monastery, in the house of Milan Pavlovic, he made the advances to land-lady Anna and offered to her his love. She hardly defended herself against temptation, according to her own words. When her husband came home from work, she complained to him. Before witnesses: Spiro Milosevic, Miodrag Andric, Manic (the younger one), Miltar Jovanovic and yet some others he threatened to break the bishop's ribs. It actually had happened in the house of Elgin's only Serbian teacher. A former pastor in St. Louis, Milan Rakic hardly defended the bishop Dionisije from the husband of a woman (by name of Anna). Namely, bishop had attacked this woman in children's camp in Libertyville and she upon the return back home had firstly told her pastor Rakich and after that to her husband about the experience with her bishop in Libertyville. Thanks to Rakich, bishop Dionisije wasn't taken to the court to take away the shame inflicted to this family. This is known to: Svetozar Maravic, Katic, Djordje Lazich; the entire St. Louis knows. This incident arose the indignation of the entire St. Louis.

V.Rev. Nikolai Dazgich in his house, in San Diego, before fifteen the most prominent Serbs, had spoken how he and the bishop went to a whore house, in Mexico, and they had a good time there. This he even said before Dr. Seferovich. Dr. Seferovich repeated this before a number of his co-workers. When bishop heard about this, he said:

"I'll make even with Dazgich". A short time after the diocesan court defrocked Dazgich because of marriage. About this case is very well informed the pastor in Chicago, who could produce many more details.—On Milosh Vidakovich's patron saint celebration, in Waukegan, May 6, 1958, (Milosh was then the president of monastery's church-school congregation) there was as guest even bishop Dionisije. He was very rude toward a lady (by name of Kaja). He was reminded even by the host and the husband of that lady, but bishop wouldn't pay any attention to them. He was feeling the lower part of this woman's body before all the guests. The host Vidakovich, seeing that this already passed the limit, took him, the bishop, by the hand and threw him out through the door. About this incident with the bishop the talks were going on for a long time, in Waukegan and the surrounding areas, and many more things were added.—On a celebration, in Waukegan, in Slavinian Hall, before a big crowd of people in his address, he said even these words: "Some of you wouldn't work saying that you are old; I am still young. See, there are among you good ladies who know that I am young".

SOME OTHER PICTURES

In Chicago before a big crowd of people, women, girls and children, in church hall, found necessary to say, in his address, even these: "Many don't like me, some would like to see me without hands, some without legs, some would like to see me dead, and some want even to cut off this. . ." pointing down with his hand towards the lower part of his body.—After these words many had left the hall with their wives and children, cursing the simpleton bishop.— Tomorrow morning Chicago was flooded with leaflets against bishop and his unbishop's behavior before respectful people. That leaflet is sent to Patriarchate, in Belgrade.

He sends Ljubisav Djurich to parish in So. Saint Paul with a warm recommendation to church board. At the same time writes another letter to Dr. Korac to make impossible for Ljubisav to work in the parish, since he used to kill the people, good Serbs while yet living in Serbia. By one investigation from So. St. Paul, the court's commission found the work of Rev. Djurich to be okay. But at the end of investigation a young fellow submitted to court's commission a letter from Bishop Dionisije to Dr. Korac at which V.Rev. Andra Popovic cried out:—This is a scandal and the shame of Dionisije. With one letter he praises him and with other asks his head . . . Ljubisav was removed from the parish by bishop Dionisije althou the church court had decided otherwise under his presiding. He threw out an upright priest in the streets with wife and two small children without a cent in the pocket and without any guilt. Thanks to his American friends who found job for him in the bank, who knows what would happen to him and his family.

Good and able seminarits he cannot stand and mercilessly persecutes and gossips. Milutin Devrnja, Borko Borcic, Sava Vujnovic and others are completely excluded from the participation in church's life. They are now with their ebilites on other jobs instead of church's business.

He makes situation impossible for young priest Radoslav Kovacevic, in his parochial works, because his young wife wouldn't accept the offer in becoming his mistress. Even Kovacevic knows it, and—struggles, working in factory to earn daily bread for his children.

Young and enthusiastic monk Timotel Tepsic has left not only monastery and the diocese, where he worked like a beaver, but he dropped even the Orthodoxy on account of Dionisije.

An old Belgrad's preacher, Svetozar Radovanovic, was occupied with a thought himself to leave Dionisije and look for shelter with some Russian bishop, but because for some reasons went back to Dionisije and today lives in his shadow in a parish with a smallest pay.

Very frequently bishop is engaged in the orgies with problematic women in the monastery's house, in Libertyville. Because of that he chased out on the street the old Sava Mikovic, at first from the monastery and after that even from the diocese just to be sure not to have him as a witness to his venturous.

Just like by some rule, Bishop Dionisije leaves the monastery every night and returns with marks of lipstick and unzipped pants.

In the house of Milan Andjelkovich in Libertyville, before his wife, Sophie, Toma Stankovic janitor, Mita Jovanovich former church's president, Slavko Stokovich and some others, in the course of bishop's scandalous conversation had added even these words, "And what Milka wants? Does she think that I should belong only to her—old woman? I like them young and they like me. I have in every place one or two. My women are sweet. Nobody should mind this. I am a man just like anybody else. I have right to live."

Bishop Dionisije didn't like the way the monastery's parish executive board was formed. He wanted to disqualify it and replace it with another one. He called in to dinner in the diocese Miodrag Andric and Spiro Milosevic the day when regular monthly meeting of membership was taking place. Here he told them to go to the meeting and cause disorder. They just did that. The same night he dismissed the board and blocked the money in the bank. The freezing of church's money he didn't succeed, but with the stroke of a pen he dismissed the board.

In the home of Bogoje Manich from Elgin, he quarreled with Miodrag Andric and Andric jumped to his with with scissors in the hands to cut off his beard. Those who were present at the moment of arguments, sided with bishop and Andric out, otherwise he would beat up the bishop to death the way he expressed himself later on.

With Stana Boduljak or Batoljan from Montreal, he slep over night in a hotel room in Hamilton registered as husband and wife. Later on he went with her to Windsor to perform pontificial mass. People in Windsor reminded him not to do this next time. Somehow they happened to hear about this incident. This affair with Stana knows much better Rev. Vukelich from Hamilton, Petar Bulat from Windsor and also everybody in Windsor.

If everything would be written down about bishop Dionisije there should be written a whole book.

To Your Grace obedient

Admirer

DEFENDANT'S EXHIBIT 64

W E

ALEXANDER I

BY GRACE OF GOD AND OF PEOPLE

KING OF SERBS, CROATS AND SLOVENES

Upon the recommendation of the Representative of our Minister of Religion, our Minister of Education, and according the articles 25, and 26 of Law of Church authorities, are appointing:

As BISHOP of America and Canadian Serbian Orthodox Diocese in Chicago the newly Ardained Bishop MARDARY.

The Representative of our Minister of Religion, our Minister of Education, should exercise this order.

April 25, 1926 year in Belgrade.

ALEXANDER

(Signed)

Representative of Minister of
Religion and Minister of Education
M. Trifunovich (Signed)

That this is a true copy of its original, which is preserved in archive of Ministry of Justice under Sicret B. No. 239/1926 year, certifies:

According the order of
Minister of Justice

(Seal)

Chief,
Ljub. D. Popovich
(Signed)

DEFENDANTS' EXHIBIT 77

PATRIARCHATE OF THE SERBIAN ORTHODOX CHURCH
Num. 3969/Min.
25/12 June 1938
BEOGRAD

To the Ecclesiastical Court of The American and Canadian Diocese

The Holy Bishop's Synod of the Serbian Orthodox Church under the above number and date brought the following decision:

"To release His Grace Bishop of Dalmatia Lord Irinej of duty as administrator of the American and Canadian Diocese with the date of July 1st of this year, and notify about it His Grace Bishop of Dalmatia Irinej as well as The Ecclesiastical Court of the American and Canadian Diocese with an order: to publish the election of His Grace Bishop Lord Damaskin to be known to all clergy and people about his election and that His Grace Bishop Damaskin with the date of July 1st of this year undertook duty as diocesan Bishop."

The above said is notified the Ecclesiastical Court for its knowledge and procedure.

For The president of the
Holy Bishop's Synod,
member, Metropolitan of Skoplje
JOSEPH
(signed)

DEFENDANTS' EXHIBIT 78

PATRIARCHATE OF THE SERBIAN ORTHODOX CHURCH
No. 3282/min. 741
June 23/10 1936
Sremski Karlovei.

TO THE ECCLESIASTICAL COURT OF THE AMERICAN AND CANADIAN DIOCESE:
Libertyville, Ill.

At its meeting on June 8/21 number AC 88/Min. 150 of 1936 The Holy Archbishop's Assembly decided that widowed Diocese of America and Canada until next regular meeting of the Holy Assembly should not be fulfilled, but during that time as administrator of that Diocese to His Grace Bishop Irinej (Djordjevich), Bishop of Dalmatia.

Executing that decision The Holy Bishop's Assembly at its meeting under the above number and date, is notifying about it the Ecclesiastical Court that this decision could be published for the knowledge of the faithful.

For The President of
The Bishop's Synod
Metropolitan of Zagreb
DOSITEJ.

DEFENDANT'S EXHIBIT 81

RESOLUTION

of the IXth Diocesan Church-Peoples Assembly held 13, 14 and 15 of September 1960, at St. Sava Monastery under the presidentship of His Grace Bishop Sir Dionisije.

Over 150 delegates, priests, representatives of Serbian Church-school congregations of America and Canadian Diocese and benevolent and national organizations from America and Canada, gathered at its IXth Diocesan Church-Peoples Assembly at St. Sava Monastery, are directing their prayers to Lord the God for every goodness, progress and prosperity of our new homelands: the United States of America and Canada and are announcing their loyalty to their democratic constitutions, deciding:

1. It's given full support to our Diocesan Bishop Sir Dionisije on church-national activity and grouping of all constructive patriotic forces and organizations of the entire free Serbian emigration in the free world and the leadership in the fight against the atheistic communism in

the world and especially against the communistic distatorship's regime in Yugoslavia, which enslaved even Serbian people and the Serbian Orthodox Church, as other religious denominations in general;

2. His Holiness Serbian Patriarch is petitioned, that the geographical territories of South America are finally added to Serbian Orthodox American and Canadian Diocese which must be elevated to level of Metropolia, with two vicar-bishops as helpers to our bishop;

3. It condemns and rejects the creation of so-called "Macedonian Church", which is the creation of communistic regime, for by that creation is broken the unity and the whole of Serbian Orthodox Church;

4. It is given full recognition and gratitude to our great benefactors Mr. & Mrs. Todor and Andja Polich from San Marino, California, for a beautiful foundation, intended to Serbian children, on diocesan property at Shadeland, Pa.;

5. The diocesan Church-Peoples Assembly has brought the additional regulations about the sunday and parochial schools as well as of Federation of Serbian Circle Sisters, and about the Priests' Pension Fund of our Diocese;

6. It's resolved, that the Bishop's vicarate is organized for Canada as well as the national cultural-educational center for Canada, which would connect all our congregations in Canada;

7. It's resolved, that for Pacific, western America, is formed wider board of our Bishop's vicarate in which are included all priests and one representative of our Church-school Congregations, and to purchase suitable land which would be as our center and children's camp for far west;

8. It's resolved, that all our Church-school Congregations in America and Canada, divide into 4 classes according to their size, and determine how much each class will

be taxed for Diocesan treasury, independently of individual membership's fee;

9. It's saluted His Majesty the King Petar II, and his struggle supported against communists' tyranny in Yugoslavia, and also are saluted all our patriotic national organizations which are fighting against communism in the world and especially against communists' tyranny in Yugoslavia;

10. It's resolved, that all our Church-school Congregations of American and Canadian Diocese make their by-laws uniformed and according to Constitution of our Diocese and as such incorporate-charter them with their state authorities;

11. It's decided, that our Monastery's cemetery is better taken care of, and that the constant care is established of the same, through a special committee;

12. It's resolved, that the candidates for priesthood, of American and Canadian Diocese, untill our seminary is reopened in St. Sava Monastery, are sent to some other orthodox seminaries and after the graduation, then that their knowledge is completed by special courses from national Serbian subjects.

Serbian Orthodox
for America and Canada Bishop
+ Dionisije

St. Sava Monastery
September 15, 1960

DEFENDANT'S EXHIBIT 99

Holy Bishops' Synod
Of Serbian Orthodox Church
No. 2091/min. 357
7.XI/25.X. 1946.
in Belgrade

It's taken in consideration the complaint of Rev. Nikola Drenovac, priest from Youngstown, Ohio, of American and Canadian Diocese against the judgment of Serbian Orthodox Church Court of American and Canadian Diocese from February 6, 1945, No. 3 from 1945, by which the same priest, on the basis of article 210 of Serbian Orthodox Church Constitution, for various offenses of breaking the priestly discipline and church's order and to the reference of articles 6 and 81 of Holy Apostles, rule 6 of II Ec. Council, rules 7 and 18 of IV Ec. Council, rule 10 of VII Ec. Council, rule 13 of IX Local Council, was suspended on one year from his priestly duties, counting from the day of deliberation of punishment and the permanent loss of parochial duties and the title of parochial priest in the Serbian Orthodox American and Canadian Diocese, taking away from him his canonic status with American and Canadian Diocese, and returning him back under the above punishment to his former Diocese in Yugoslavia from which he came.

Having examined the complaint and the judgment, Holy Bishops' Synod of Serbian Orthodox Church as the highest and the last church-court of appeals in the sense of paragraph 53 of Serbian Orthodox American and Canadian Diocese, is making this

JUDGMENT

The complaint of Rev. Nikola Drenovac, priest in Youngstown, Ohio, isn't honored, but the same is rejected as inappropriate, and the attacked judgment, by which the defendant Rev. Nikola Drenovac, because of the offense of disobedience unto his juridicial church authority, rule 39 of the Apostles, rule 8 of IV Ec. Council, rule 13 of IX Local Council, rule 5 of Antioch's Council, as well as for disturbance of church's order, rule 18 of IV Ec. Council

and being involved in civil matters, rules 6 and 81 of the Apostles, rule 10 of VII Ec. Council, is announced as guilty, for the reasons quoted in the judgment, is reenforced in that part, by which proven offenses this punishment was delivered the loss of his parochial position, that is the title, article 210 point 7 of Serbian Orthodox Church Constitution, while in the other parts of deposition of this judgment, the numbered punishments about the suspension from priestly duty on one year, and the denial of canonic status of acceptance—is nullified for the quoted reasons in the explanation of this judgment.

This judgment must be sent to Serbian Orthodox Church court of American and Canadian Diocese for acknowledgment, and through the same court even to Rev. Nikola Drenovac providing that this judgment in the sense of paragraph 53 of the Constitution of Serbian Orthodox American and Canadian Diocese is final as of now.

EXPLANATION:

Holy Bishops' Synod having examined the attacked judgment has found, regardless of defendant's complaint, that the attacked judgment in that part by which the defendant is punished by two main punishments from regulations of article 210 of Serbian Orthodox Church Constitution and with punishment from point 6 and punishment from point 7, is incorrect, since and according to general law and even church-judicial regulations at the time of deliberation of sentence upon the guilty one for all the offences: apostles rule 25, except in exceptional cases, there must be delivered one general punishment. In a concrete case in the attacked judgment the defendant was punished beside the punishment from period 7 of article 210 of Serbian Orthodox Church Constitution even the punishment from period 6

of the same article of the Constitution, which beside the first punishment hasn't got any function and it's fully unnecessary, because it's already found in main punishment, period 7 of article 210 of Serbian Orthodox Church Constitution. Secondary ruling of judgment, by which the defendant is losing his canonic status of acceptance into American and Canadian Diocese, is in contradiction with apostles rule 32 by which the punished priest must remain even further under the supervision of that Bishop, who had suspended him from duties.

On the basis of all transpired Holy Bishops' Synod, having reenforced the main punishment which is foreseen in the attacked judgment for the defendant, has changed this judgment in the other parts of judgment and brought the judgment as it is above.

For President
Of Holy Bishops' Synod
member, Metropolitan of Skoplje

(place of seal)

JOSEPH

DEFENDANTS' EXHIBIT 101

Holy Bishops' Synod
Of Serbian Orthodox Church
No. 2090/min. 358
7.IX/25.X. 1946
In Belgrade

It's taken in consideration the complaint of Rev. Strahinja Maletich, priest from Aliquippa, Pa., of the American and Canadian Diocese against the judgment of Church Court of Serbian Orthodox American and Canadian Diocese from February 6, 1945, R. No. 2 by which the same

priest, on the basis of article 210 of Serbian Orthodox Church Constitution, because of various offenses and breaking of priest's discipline and church order and with the usage of 6 and 81 apostolic rules, rule 6 of II Ec. Council, rules 7 & 8 of IV Ec. Council, rule 10 of VII Ec. Council, rule 13 of Local Council, is judged and suspended for one year from performance of his priestly duties counting from the day of this judgment and the permanent loss of parochial position and the title of parochial priest in Serbian Orthodox American and Canadian Diocese, considering as worthless his canonic aceptance into American and Canadian Diocese and returning him back under the above punishment to his earlier Diocese in Yugoslavia from which he came.

After going over this complaint and the judgment, Holy Bishops' Synod of Serbian Orthodox Church as the highest Church Court of Appeals in the sense of paragraph 53 of Serbian Orthodox Church Constitution of American and Canadian Diocese is making this

JUDGMENT

The complaint of Rev. Strahinja Maletich is not to be considered, but the same is denied as improper, and the attacked judgment, by which the defendant Rev. Strahinja Maletich, because of the offenses of disobedience unto his juridicial church's authority, apostolic rule 39, rule 8 of IV Ec. Council, rule 13 of IX Local Council, rule 5 of Antioch's Council; and because of disruption of church's order, rule 18 of IV Ec. Council; and mixing up in civil affairs, rule 6 & 81 of Holy Apostles, rule 10 of VII Ec. Council, announced as guilty with the reasons quoted in the same is reenforced in that part by which for the proven offenses the punishment is passed of "the loss of parochial duty

and the title," article 210 period 7 of Serbian Orthodox Church Constitution, while in the other parts of deposition of this judgment the punishments of suspension from priestly duties for one year with secondary rulings where his canonic acceptance is made worthless, is made powerless for the quoted reasons in the part of explanation of this judgment. This judgment must be sent to Serbian Orthodox Church Court of American and Canadian Diocese for acknowledgment and the execution and through the same court even to Rev. Strahinja Maletich providing that this judgment, in the sense of paragraph 53 of Serbian Orthodox Church Constitution of American and Canadian Diocese, is considered as final.

EXPLANATION:

Holy Bishops' Synod having examined the attacked judgment found, regardless of Defendant's complaint, that it is, in that part by which the defendant is punished with two main punishments from regulation in article 210 of Serbian Orthodox Church Constitution and with punishment from period 6, and with punishment from period 7, incorrect, for according to general law and even church law regulations, at the time of sentencing the guilty one for all offenses (apostolic rule 25) except in exceptional cases, there must be passed only one general sentence. In a concrte case in the attacked judgment the passed sentence to the defendant, from point 6 article 210 of Serbian Orthodox Church Constitution, in addition to punishment from point 7 of the same article of Constitution, hasn't got any significance and it's fully excessive, since it's already contained in the first punishment. The secondary ruling of judgment, in which it's being denied to defendant, his further canonic status in American and Canadian Diocese, is

in contradiction with the regulations of Apostolic rule 32 by which the punished priest must remain even further under the spiritual supervision of that Bishop who had suspended him from the duty.

On the basis of all presented the Holy Bishops' Synod, reenforcing the main punishment which is contained in the attacked judgment, has changed the other parts of judgment and made the judgment as it is above.

For President
Of Holy Bishops' Synod
member, Metropolitan of Skoplje,
(place of seal)
JOSEPH

DEFENDANTS' EXHIBIT 113

Holy Bishops' Synod
of Serbian Orthodox Church
No. 541/1949, min.339 from 1950.
May 3/April 20, 1950.
in Belgrade

It's taken, in the sense of article 54 of the Serbian Orthodox Church Constitution of American and Canadian Diocese, in consideration of the judgment of Church Court of American and Canadian Orthodox Diocese from July 27, 1949, No. 26 from 1949, by which the Rev. Vojislav Gacinovich, a missionary with St. George Church in Pittsburgh, Pa., because of disobedience and church disorder, contrary to holy canons, was brought to the court to be judged and defrocked from his priestly rank, as well as the appeal of Rev. Vojislav Gacinovich submitted in proper manner and in the legal time against that judgment, and after the

consideration the Holy Bishops' Synod had brought the following

JUDGMENT:

The appeal of Rev. Vojislav Gacinovich, a missionary with the St. George's Church in Pittsburgh, Pa., against the judgment of Church Court of American and Canadian Diocese from July 27, 1949, No. 26 from 1949, by which he was judged to be defrocked from his priestly rank, to deny as baseless, but in the sense of utmost compassion and in regards that all these offences were done under the extraordinary circumstances, to change even the very judgment of Church Court and the punishment of defrockment from priestly rank to exchange it with the punishment from Article 216 of the Serbian Orthodox Church Constitution, period 6 "with the loss of parish position . . ."

This judgment is to be sent to Church Court of American and Canadian Diocese for acknowledgment and the defendant's information, with the return of all court documents.

For President
Of Holy Bishops' Synod
member, Metropolitan of Crna Gora and Primorje
Arsenije
(signed)

DEFENDANTS' EXHIBIT 116

Zagreb, August 16, 1962
Prilaz JNA No. 4

Your Grace.

In connection with the decision of the Holy Bishops' Assembly regarding sending a delegation of our Church to the United States of America for a study of your motions submitted to the Holy Bishops' Assembly—which decision you have already received—I have the honor to notify you that our delegation, God willing, will leave for France on September 10th of this year proceeding to Paris by train, and from Paris by airplane for New York.

The exact day of the arrival of the Delegation in Chicago and Libertyville we cannot project at the present time, but you will be so notified from New York.

And, with this occasion, I am transmiting to Your Grace my sincere greetings and best wishes.

YOURS
In brotherly love
M. DAMASKIN (signed)

DEFENDANTS' EXHIBIT 142

The Holy Bishops' Synod
of the Serbian Orthodox Church
Number 1323/Min. 214
April 20, 1962
Belgrade

Your Grace,

At its meeting under the above number and date, and on the basis of Art. 69 of the Constitution of the Serbian Orthodox Church, the Holy Bishops' Synod decided to call

the Holy Bishops' Assembly for a session on June 4 (May 22) of 1962 at 9 a.m. in the court of the Patriarchate in Belgrade.

Notifying you, brotherly, regarding that decision of the Holy Bishops' Synod, we kindly request of Your Grace to come and attend that session of the Holy Bishops' Assembly.

A list of all matters received for the Holy Bishops' Assembly will be sent to you later.

Your Grace's brother in Christ,

President
of the Holy Bishops' Synod
A.E.M. and Serbian Patriarch
GHERMAN (signed)

To His Grace Bishop of
America and Canada
Lord Dionisije
Libertyville, Ill.

DEFENDANTS' EXHIBIT 143

THE HOLY BISHOPS' SYNOD
of the Serbian Eastern Orthodox Church

Ref. No. 583/Min. 84
March 2, 1962, Belgrade

To: His Grace Bishop for America and Canada
Sir DIONISIJE
Libertyville
U.S.A.

Your Grace,
Dear Brother in Christ,

The Holy Bishop's Synod has made the following decision on the Meeting, as indicated above:

"In reference to the official document of February 13, 1962, No. 115, to ask kindly His Grace Bishop for America and Canada, Sir Dionisije to act in conformity with his canonical obligations and Bishops' oath, and personally to attend the following regular session of the Holy Bishops' Assembly of the Serbian Eastern Orthodox Church whose member he is, since no obstacle exists from any side whatsoever; to inform personally the Holy Bishops' Assembly about the life and problems of his Diocese, but will not conduct any of his conversation through the delegation and the Holy Bishops' Assembly."

With brotherly love, we are notifying your Grace about the above-mentioned solution.

Your Grace's Brother in Christ
Serbian Patriarch
Gherman (signed)

DEFENDANTS' EXHIBIT 145

THE HOLY BISHOPS' SYNOD
of the Serbian Eastern Orthodox Church

Ref.No.1009/Min.154
March 27, 1962, Belgrade

To: His Grace Bishop of America and Canada
Sir DIONISIJE
Libertyville, USA

Your Grace,
Dear Brother in Christ,

The Holy Bishops' Synod on its meeting, ref. to the above no. and date, made the following decision:

"To notify His Grace Bishop Dionisije, Bishop for America and Canada, that the Holy Bishops' Synod is willing to receive a delegation mentioned in the official document

of His Grace, ref.No.117, of March 20, 1962, only in case that it is led by His Grace Bishop, because the problems which should be discussed cannot be solved without the competent Bishop. His Grace stated that he would take care to attend after so many years, this year's meeting of the Holy Bishops' Assembly."

Notifying your Grace about the above decision, with brotherly love,

Your Grace brother in Christ,
for President of the
Holy Bishops' Synod, the member,
Metropolitan of
Zagreb
Damaskin (signed)

DEFENDANTS' EXHIBIT 149

HOLY BISHOPS' SYNOD
OF THE SERBIAN ORTHODOX CHURCH
No. 1725/Min. 237
May 17, 1963
in Belgrade

Your Grace,

The Holy Bishops' Council of the Serbian Orthodox Church on its meeting on May 10, 1963 under ACNo.20 and 21/minutes 77, decided herewith:

"On request of the Church National Assembly and American Canadian Bishop, No. 115 from 13/2 and No. 127 from May 25, 1962, that in regard of greatness and brightness of this Diocese, this church territory needs more bishops; Holy Bishops' Council, in accordance with paragraph 16 of the Constitution of the Serbian Orthodox Church, estab-

lishes from the present American Canadian Diocese three dioceses, and they are:

1. *Mid-West American Diocese* with the see at the St. Sava Monastery, Libertyville, on which remains His Grace Bishop Dionisije,

2. *Western American Diocese* with the see in Los Angeles, and

3. *Mid-East American-Canadian Diocese* with the see in Detroit.

By previous accepted agreement from His Holiness Serbian Patriarch, Sir German, to the *Mid-West American Diocese* South Africa will be added, and to the *Western American Diocese*, parishes in Mid and South America, with whom, according to article 55, paragraph 12 of the Constitution of the Serbian Orthodox Church, administered to the present His Holiness Serbian Patriarch.

The frontier between Mid-West American and Western American dioceses will be parallel with the 95th meridian.

To the Mid-East American-Canadian Diocese will belong parishes in the states: Michigan, New York, Pennsylvania and Canada.

Insofar the Bishops for the new created diocese are appointed the diocesan bodies and organs will be established.

The final aroundation [sic] of the new formed diocese, and accustom it to the there existed Church Constitution to the new creations of these dioceses will be studied with the diocesan bishops in cooperation with the Church National Assembly and their proposals shall be handed over to the Holy Bishops' Council for final decision."

In sense of the decision of the Holy Bishops' Synod according to the above-named number and date, you are informed herewith.

For The President
of The Holy Bishops' Synod, member
Bishop of Sumadia
VALERIAN.

TO HIS GRACE BISHOP OF MID-WESTERN
AMERICAN DIOCESE
LORD DIONISIJE
LIBERTYVILLE.

DEFENDANT'S EXHIBIT 150

SERBIAN ORTHODOX DIOCESE
IN THE UNITED STATES OF AMERICA
AND CANADA
THE SERBIAN ORTHODOX MONASTERY
OF ST. SAVA
LIBERTYVILLE, ILLINOIS 60048
U.S.A.

D/Min. No. 196
July 11, 1963

Your Holiness:

I am submitting herewith a complaint against the Investigating Commission whose arrival was notified to me by the letter of the Holy Bishops' Synod, No. 1986/Min.265 of June 13, 1963, who, disrespecting authorities and instructions in regard to the above mentioned letter "to carry out the procedure, inquire statements and interrogate the person concerned and witnesses, as to assemble evidences of the present position of facts and all together submit to the Holy Bishop's Synod for further actions."

Their Graces, Bishops, Chrisostom and Visarion informed me in their letter of June 30 about their arrival. But, in fact, they arrived on June 28 and demanded to be received in St. Sava Monastery on July 5. Being duly informed about the arrival of the said Commission, I edited by announcement, which I am enclosing herewith, demanding in accordance to the Article 67 of the Disciplinary Regulations, that all private accusations had to be handed over to me in transcripts, to enable me to reply in writing. The Commission did not do it.

Having brotherly respect to the brother bishops, I decided to receive them, but not in the Monastery of St. Sava, because it was impossible for me to do it, but in some other place, in a restaurant, intending to have lunch with them.

I pointed out that His Majesty King Peter of Yugoslavia was our guest a day before and I could not receive the Commission in the Monastery.

I handed to the Commission a letter whose copy I am enclosing also, stating that I am not willing to be orally examined, because I must know who is accusing me and for what! Your Commission refused to do so and is hiding the accusers and the accusing materials. On behalf of the Commission, the conversation was carried out by His Grace Bishop Visarion. At the beginning of the meeting, Bishop Chrisostom commenced to write down the minutes but I objected to this, insisting that all accusing material should be given to me in writing prior and I declined any oral statement and my signature on it. The only thing I said on this occasion was: that I stand by my statement and declaration relative to the decision of the Holy Bishops' Assembly and Synod. I consider it as my duty as part of my defense and no one has the right to deny it to me.

Instead of handing over to me the transcription of the accusing material, the Commission interrupted the investigation and the Bishop Visarion declared that there is nothing further to investigate because the defendant recognized all the declarations as such and this is sufficient for the solution of this court procedings. When I asked him what further steps will be, he replied: "The Holy Bishops' Synod will appoint a bishop as a church-judiciary plaintiff who will prepare the indictment and send it to you for reply".

Later the Investigation Commission departed for Milwaukee and on the second day, July 6, publicly announced a statement in which they perverted the facts, stating: Bishop Dionisije trampled upon his episcopal oath and that he had denounced his obedience to the higher Church authorities and apart from that he offended articles 10, 15

and 17 of the Regulation of the Court Manual of the Serbian Orthodox Church, which demands the highest penalty by the Church, as: defrocking, losing episcopal rank and excommunication. Therefore, they appealed to all Church-school congregations and clergy, to all the sons and daughters of the Orthodox dioceses; Mid-American, East-American, Canadian and West American to renounce any obedience to Bishop Dionisije, but to obey orders given by the administrators, archimandrite Firmilijan, Udicki and protosingelos Lastavica who will carry out all duties in accordance and in conformity with the existing church regulations and canons.

Your Investigation Commission mentioned in its appeal that a report and request was sent to the Holy Bishops' Synod. It was also mentioned that the Commission came by invitation of the Diocesan Plenum but then ignored the Plenum's decision. Real intention was to reinforce and impose your three appointed administrators for the three newly named dioceses. Your administrators are issuing orders to boycott the Church National Assembly, that church congregations should refuse to send delegates to it, threatening that all clergy who disobey their orders will be defrocked! Is this the way which contributes to the peace of this Diocese? Is this the manner by which should be imposed the new Bishops to the people? We already know—what is imposed upon our Church in Yugoslavia by the regime over there. You are sinning before God, Your Holiness!

The said Investigation Commission imposed upon me a penalty in advance, threatens me with episcopal discharge and excommunication! Did I deserve this from my Mother Church after serving her for 37 years as a priest and Bishop? And, what will be achieved herewith? A larger revolt against our Patriarchate and your Holiness! Here we

already have congregations which throw out their priests and more than a half of the congregations ask for separation from the Patriarchate. I cannot reinstate peace, nor prevent the circumstances. So, your Holiness, together with this Commission, will be responsible for everything that may happen if this Commission is not revoked as well as all decisions of the Holy Bishops' Assembly and Synod.

Because the Investigation Commission publicly announced its statements, in the same manner I am announcing this letter addressed to your Holiness.

I declare herewith that no one ever could excommunicate me from the Community of the Christ Church and no one can separate me from Christ the Saviour and the Holy Serbian Orthodox Church of which your Holiness is momentarily the head. The time will come and I trust my hope to the God, that all these acts will be paid to you, if accepted, along with the Holy Bishops' Assembly, Synod and to Investigation Commission by the justice of God.

A copy of this letter was sent to the Investigation Commission and to all clergy of the Serbian Orthodox Diocese of America and Canada and to all our people.

TO: THE HOLY BISHOPS'
SYNOD OF THE SERBIAN
ORTHODOX CHURCH,
BELGRADE, YUGOSLAVIA

Your Holiness Brother in Christ,
Bishop Dionisije
Bishop of the Serbian Orthodox
Diocese of United States of
America and Canada

DEFENDANT'S EXHIBIT 151

THE SERBIAN EASTERN ORTHODOX DIOCESE FOR THE UNITED STATES OF AMERICA AND CANADA, SERBIAN MONASTERY OF ST. SAVA, LIBERTYVILLE, ILL.

D. Prot. No.-196
July 13, 1963

TO THEIR GRACES
BISHOP OF BRANICHEVO CHRISOSTOMOS
BISHOP OF BANAT VISARION
YOUR GRACES:

The official document of the Holy Bishop's Synod, ref. no. 1986/min.265 of June 13, 1963, informing us about your coming to America, reads, among other things as follows: that ordered Bishops "leave for the U.S.A. to examine the matter and perform the necessary interrogations of the accused and the witnesses in conformity with the paragraphs 67 and 90 of the Rules and Procedures for Christ Courts; also to collect proofs about the situation and to give a report—with all adequate documents—to the Holy Bishop's Synod for the purpose of further procedure.

In paragraph 67 of the Procedures, it says: *"In case such a complaint exists, the accused may be given a copy of a written complaint or private complaint so that the accused himself writes his explanation and questioning."* Your Graces are taking for beginning only my questioning-interrogation in your minutes, which I refused to sign asking a written accusations-complaints, and reports against me. Then you issued the very following day your DECLARATION in which—as if the procedure and all the legal steps are finalized, *you immediately expressed punishment over me.* Accordingly, Your Graces intentionally avoided

presenting to me charges, accusations and reports for my written reply. By that, you deny the basic rights of every human being, and of mine as well, neither giving me time or possibility for a reply and to know who my accusers are nor of what I am accused for. That is why, not avoiding interrogations and responsibilities, I categorically demand on the basis of paragraph 67 of the Rules and Procedures for Church Courts—to present to me all reports or private complaints in copies. After that, it should follow the hearing of the witnesses in my presence.

I did not believe you would do such a big injustice, which you did against me, and that you would let me have the above mentioned material during our first meeting. Your Grace did not do that because, it seems, that the sentence has already been brought in Belgrade, in the Commission for Religious Affairs, and everything had to be done quicker as possible!!! In this country of order and law, unlike as in Yugoslavia today, such a procedure is considered illegal. Accordingly, I demand you to do it in conformity with the Paragraph 67, last item, as cited in the official document of the Holy Bishop's Synod. In case your Graces do not do so, I shall use my rights of American Citizen, to protect myself from such an Investigating Commission.

Anticipating your further legal procedure—since this first one was completely illegal—your Graces brother in Christ

American-Canadian Bishop
Dionisije

DEFENDANT'S EXHIBIT 152

I certify herewith that the following (6) six pages are true and correct copies of the Report of the Investigating Committee dated July 20, 1963, and that these copies were made under my supervision and guidance.

The original Report is presently in the archives of the Holy Episcopal Synod and under my control.

Belgrade, April 15, 1970

Secretary General
Holy Episcopal Synod
Rev. Mladen Mladenovic
(Round Seal)

• • •

TO HOLY EPISCOPAL SYNOD
OF THE SERBIAN ORTHODOX CHURCH
BELGRADE

Concerning the decision of the Holy Episcopal Synod, No. 1986/Min. 265 of June 13, 1963, we are privileged to submit the following report to the Holy Episcopal Synod for further appropriate procedure:

In the process of carrying out the above decision of the Holy Episcopal Synod, we have immediately after our arrival in the U.S. notified His Grace Bishop Dionisije from Pittsburgh on June 30, 1963, that we plan to pay him an official visit on Friday, July 5, 1963, in his residence in Libertyville. (Exhibit No. 1)

On Friday, July 5, 1963, we arrived to Libertyville at eleven o'clock. His Grace Bishop Dionisije refused to receive us in his Episcopal Residence and suggested that we go instead to a nearby resort "Indian Club". Although surprised by such reception, we agreed to go over to the mentioned resort. There, His Grace Bishop Dionisije gave us a letter in which he explained why he could not receive us in his residence—due to numerous protests from the

faithful concerning our visit to the U.S. This letter we had already given to the Holy Episcopal Synod. (Later, Bishop Dionisije wrote to us that he could not receive us in the Monastery, because only a day before King Peter II had been there!)

After we had read the letter, we asked Bishop Dionisije if he was ready for the interrogation. He refused to cooperate in this, stating that he will not answer any oral questions. He demanded to get all the evidence against him, and that all questions be in writing, so he could also answer in writing.

Having reached a conclusion that His Grace Bishop Dionisije is not willing to participate in the preliminary interrogation, as it is established by the judicial custom, we prepared minutes about this. Although His Grace Bishop Dionisije helped with the minutes, he refused to sign it. (Exhibit 2). We parted from His Grace Bishop Dionisije, but only after having informed him that the Holy Episcopal Synod will appoint a bishop as court prosecutor, who will prepare the indictment against him based on available evidence, which will be sent to him for an answer.

Tomorrow, on July 6, 1963, we wrote a report in Milwaukee about this unsuccessful meeting, and about statements by His Grace Bishop Dionisije at the meeting, that he stands behind his reports and statements before and after the decisions of the Council and the Synod, and that he does not respect these decisions. In doing so he has committed new offenses, in addition to the old ones, which call for the highest eclectical punishment. Therefore, we have asked the clergy, the parishes and all the faithful not to follow Bishop Dionisije, but the administrators appointed by the Holy Episcopal Synod. (Exhibit 3).

Submitting the previous as well as new evidence against Bishop Dionisije to the Holy Episcopal Synod, we ask that

one of the bishops is designated as court prosecutor, who will use the enclosed evidence in order to prepare the indictment, which will be sent to Bishop Dionisije for an answer.

In order to restore as soon as possible canonical order and rightful and healthy religious life in this section of our Church, we pray that our suggestion is reviewed urgently. (Attached whole case).

Faithful to the Holy Episcopal Synod

July 20, 1963

Bishop of Branicevo Hrizostom

+ Bishop of Banat Visarion

• • •

Your Grace,

By decision of H. E. Synod No. 1986/Min. 265 of June 13, 1963, we are authorized in accordance with Par. 67 and 90 Regulations for Church Courts S.P.U., and in connection with the decision of H. E. Synod No. 1664/Min. 188 of May 10, this year, which initiated canonical procedure against Your Grace, to investigate this case and have hearing with Your Grace.

Carrying out this decision of the H. E. Synod, we are informing Your

To His Grace Bishop of West-America Dionisije, Libertyville made according to the decision of the Holy Episcopal

MINUTES

Synod, No. 1986—Min. 265 of June 13, this year, in a resort near Libertyville, on July 5, 1963.

H. G. Bishop Dionisije was asked to accept the implementation of the above decision and to give answer to each question. H. Grace retorted that he will not answer any oral questions, but he wishes that all the questions are in writing so he could answer in writing.

H. Grace has stated at the same time that he did not accept the decision about the partition of the Diocese into three parts, and that he did not consider himself a bishop of Mid-Western Diocese.

DEFENDANT'S EXHIBIT 193

I hereby certify that the following (6) six pages are exact and correct photostatic copies taken (filmed) under my supervision and instruction, from the original minutes of the Holy Council of Bishops of May 11 (April 28) 1963. The original minutes is kept in the archives of the Holy Synod of Bishops under my control.

April 15, 1970
Belgrade

Supreme Secretary
Holy Synod of Bishops
Mladen Mladenovic, signed
Archpriest
(Seal of Holy Synod)

—111—

MINUTES

15

of the meeting of the regular session of the Holy Council of Bishops held on May 11 (April 28) 1963 in the place of the Patriarchate in Belgrade, under the presidency of His Holiness Serbian Patriarch Sir Gherman.

At the meeting were present all the Diocesan Bishops, except Metropolitan of Budim Sir Arseny and His Grace Bishop of the American-Canadian Diocese Sir Dionisije.

The minutes of today's meeting was taken by His Grace Bishop of Dalmatia Sir Stefan.

78

After the prayer was sung "Christ is Risen" His Holiness opened the meeting at 9 o'clock a.m.

At the request of the president, the secretary of the Holy Council of Bishops His Grace Bishop of Shabatz-Valjevo Sir John read the minutes of the 14th meeting of the regular session of the Holy Council of Bishops.

During the reading of minutes some remarks were added on the same.

After the enforcement of the remarks the minutes were corrected and read anew, accepted and signed.

79

His Holiness the Patriarch opened today's meeting at 9:00 o'clock a.m. and called the Diocesan Bishops to go in the Patriarchal chapel, were the service of invoking the Holy Spirit will be held.

The service of invoking the Holy Spirit was performed by His Grace Bishop of Slavonia Sir Emilijan.

After the completion of the Holy Service the Bishops proceeded to the Council's hall.

His Holiness the Patriarch proposes the agenda today's meeting: Filling of the newly created Dioceses in the United States of America.

112

80

HA No. 36

Before proceeding with the agenda His Holiness the Patriarch expressed a desire that the question of election of the bishops for the American-Canadian diocese be given the greatest possible consideration and to find a common language in order to find the most satisfactory solution for all.

Then proceeded with the agenda.

The floor was given to His Grace Metropolitan of Zagreb, Damaskin who in his speech expressed that the problem of our Church in the United States is very complicated and difficult. After all that has been done with regard to the administrative division of the American-Canadian Diocese, it is necessary to elect 3 bishops. He thinks that among the candidates about whom discussion was held, the most suitable would be Archimandrite Firmilian (Ocokoljich) after taking into consideration his authority and respect in the United States.

The floor was given to His Grace Bishop of Backa, Sir Nikanor, who said that he is in complete agreement with

the opinion of His Grace Metropolitan Damaskin. He brought out his discussion with Archimandrite Gregory (Udicki) whom he asked whether he would accept if he were elected bishop. He answered, "I would accept to be vicar if Archimandrite Firmilian would be elected as diocesan bishop".

His Grace Metropolitan of Montenegro-Coastal Area, Sir Danilo said he is satisfied with the declaration of His Grace Metropolitan Damaskin and is of the opinion that 3 bishops for the dioceses in the United States should be elected.

The floor is given to His Grace Bishop of Zahum, Hercegovina Vladislav, and in a long speech he expressed his opinion that it would be best that the two newly created dioceses should be filled and that the diocese on which His Grace Bishop Dionsije remained be given for administration to one of the newly elected bishops. Finally, he made a motion to elect two bishops for the newly created diocese and that for the administration of the diocese on which Bishop Dionisije remained Archimandrite Firmilian to be appointed.

In the further discussion with this question the following participated: His Grace Bishop of Timok Sir Emilijan, His Grace Bishop of Nish Sir Jovan, and Metropolitan of Dabro-Bosnia Sir Nektarije.

Thereafter the secretary of the Holy Council of Bishops His Grace Bishop of Sabac-Valjevo Sir Jovan read the letter of Metropolitan of Budim Sir Arsenije sent to the Holy Council of Bishops, in which he states that during the election of a Bishop he is entrusting his vote to His Holiness Serbian Patriarch Sir Gherman, which the Holy Council of Bishops acknowledges.

After this His Holiness Patriarch suggests the following: Because the Holy Council of Bishops had divided into three parts the Diocese of America and Canada, and because the Holy Synod of Bishops placed His Grace Bishop Dionisije under a suspension of performing his priestly

services, the Holy Council of Bishops should now immediately elect:

For the Bishop of the newly created Mid-Eastern American & Canadian Diocese, Very Rev. Stefan Lastavica,

For Vicar Bishops: to administrate the Mid-Western Diocese, archimandrite Firmilian Ocokoljich, and to administrate the Western American Diocese, archimandrite Gergory Udicki.

The voting "for" or "against" this proposal then took place.

Upon the executed secret ballot His Holiness Patriarch announces, that for proposal "for" 10 votes were cast "against" 7 votes, 3 blank ballots and 2 abstained from voting.

After the voting was established that the Metropolitan of Dabro Bosnia Sir Nektarije used the ballot he received from His Grace Bishop Dionisije, and because he was suspended from performing his priestly services, he really did not have right to vote, therefore this voting was announced as being null and void, so they held a new vote.

Upon the execution of the second secret balloting, His Holiness Patriarch announces the result: for proposal "for" voted 10, "against" voted 6, there were 4 blank ballots and 1 abstained from voting.

Because no final decision was reached by the second voting, His Holiness Patriarch suggests that Bishop of the Mid-Eastern American and Canadian Diocese, Very Rev. Stevan Lastavica be elected.

After the execution of the secret ballot His Holiness Patriarch announces the result of the voting: "for" the election of Very Rev. Stefan Lastavica voted 17, "against" 1 vote, 1 blank ballot and 2 abstained from voting.

His Grace Bishop of Zahum-Hercegovina Sir Vladislav, and Bishop of Raska-Prizren Sir Pavle declared that they abstained from voting because they considered this method of electing a Bishop is contradictory with the rules of the

Constitution of the Serbian Orthodox Church (article 69, section 18, and article 103).

His Holiness Serbian Patriarch Sir Gherman announces that for the Bishop of the Mid-Eastern American and Canadian Diocese Very Rev. Stefan Lastavica, parish priest of the Serbian Orthodox parish in Windsor, Ontario, Canada was elected.

81

40 no. 37

His Holiness Sir Gherman informed all the present, that in connection with the article 53 of the Constitution of the Serbian Orthodox Church, the term of two years in the Holy Synod of Bishops expired to the following members: Metropolitan of Zagreb Sir Damaskin, and His Grace Bishop of Branicevo Sir Hrizostom and asked the Holy Council of Bishops to elect two new members to the Holy Synod of Bishops.

The Patriarch nominates the following: His Grace Bishop of Timok Sir Emilijan and His Grace Bishop of Raska-Prizren Sir Pavle.

Because the Holy Council of Bishops accepted the nomination with acclamation, therefore

His Holiness Serbian Patriarch Sir Gherman announces that on the basis of article 58 of the Constitution of Serbian Orthodox Church for the members of the Holy Synod of Bishops were elected:

His Grace Bishop of Timok
Sir Emilijan
and, His Grace Bishop of
Raska-Prizren
Sir Pavle.

His Holiness Serbian Patriarch Sir Gherman stated the daily agenda has been terminated and the work of this year's session of the Holy Council of Bishops is ended. He

expresses gratitude to all Metropolitans and Bishops, members of the Holy Council of Bishops, for their co-operation. He also expressed his belief that through the work of the Holy Council of Bishops the Holy Spirit acted, to Whom he is thankful for help.

After they sung "Praise to Thee O Lord", His Holiness Serbian Patriarch Sir Gherman concluded the regular session of the Holy Council of Bishops at 11:30 and called all the members of the Holy Council of Bishops to come to the Patriarchal chapel where a memorial service was held for deceased Bishops and benefactors of the Serbian orthodox Church.

President of
the Holy Council of Bishops
+ Serbian Patriarch

Members:

Metropolitan of Zagreb, Damaskin, signed
Metropolitan of Dabro-Bosnia, Nektarije, signed
Metropolitan of Montenegro & the Coastal Area, Danilo, signed
Bishop of Timk, Emilijan
Bishop of Nis, Jovan
Bishop of Sumadija,
Bishop of Srem, Makarije
Bishop of Backa, Nikanor
Bishop of Zica,
Bishop of Branicevo, Hrizostom
Bishop of Banat, Visarion
Bishop of Slavonia,
Bishop of Zvornik-Tuzla, Longin
Bishop of Gornjikarlovac,
Bishop of Zahum Hrcegovina,
Bishop of Raska-Prizren,
Bishop of Banjaluka,
Bishop of Dalmatia,
Bishop of Sabatz-Valjevo,

DEFENDANT'S EXHIBIT 194

I hereby certify that the following (6) six pages are authentic and correct photostatic copies of the minutes of the Holy Synod of Bishops of May 17, 1963, taken under my supervision and instruction.

The original minutes are kept in the archives of the Holy Synod of Bishops under my control.

Head Secretary
Holy Synod of Bishops
Mladen Mladenovic, signed
archpriest
(Round Seal)

April 15, 1970
Belgrade

MINUTES

19

of the meeting of the Holy Synod of Bishops of May 17, 1963 in Belgrade.

Present:

President
Holy Synod of Bishops
AEM and Serbian Patriarch
Sir Gherman

Members:

Bishop of Timok Sir Emilijan
Bishop of Sumadija Sir Valerijan
Bishop of Zahum-Hercegovina Sir Vladislav
Bishop of Raska-Prizren Sir Pavle
Head secretary of the Holy Synod of Bishops
Mr. Mladen Mladenovic, archpriest

235

After they sang the prayer "Christ is Risen" His Holiness Serbian Patriarch Sir Gherman opens the meeting.

Very Rev. Mladen Mladenovic, head secretary reads the minutes 18 of the meeting of the Holy Synod of Bishops.

After the reading of the minutes the Holy Synod of Bishops resolves:

The minutes are accepted without any remarks and is signed.

237

1725

The Holy Council of Bishops of the Serbian Orthodox Church informs that under AS no. 20 and 21 / minutes 77 of May 10th, 1963 upon the hearing of the report of the Metropolitan of Zagreb Sir Damaskin and His Grace Bishop of Backa Sir Nikanor of January 24th of this year of their official visit as delegates of the Holy Council of Bishops and Synod they made to the Serbian Orthodox Diocese of America and Canada from September 13th to November 28, 1962, and also the report of His Grace Bishop of American and Canadian Diocese Sir Dionisije number 164 of January 5 of this year, and upon the examination of all attached reports which pertain to the situation of the American and Canadian Diocese and in the case of His Grace Bishop of the American-Canadian Diocese Sir Dionisije, has brought this decision:

"At the request of the Church-lay Council of the American-Canadian Diocese and of the Bishop of American Canadian Diocese number 115 of February 13, 1962 and number 127 of May 25th, 1962 that because of the large territory of this Diocese, it is necessary to choose more Bishops, Holy Council of Bishops on the basis of article 16 of the Constitution of the Serbian Orthodox Church creates from the present American-Canadian Diocese three Dioceses, and they are:

1. Middle-Western American Diocese with its seat at the monastery of St. Sava in Libertyville, on which further remains His Grace Bishop Dionisije,

2. Western-American Diocese, with its seat in Los Angeles, and

3. Middle-Eastern American-Canadian Diocese, with its seat in Detroit.

With the preceeding consent of His Holiness Serbian Patriarch Gherman, to the Middle-Western American Diocese is added the territory of South Africa, and to the Western-American Diocese are added all parishes in Central and South America, with which until now are governed directly by His Holiness Serbian Patriarch Sir Gherman, according to the article 55, section 12 of the Constitution of the Serbian Orthodox Church.

The border between the Middle-Western American Diocese will run for now along the 95th Meridian.

To the Middle-Eastern American-Canadian Diocese will belog parishes in the following states: Michigan, New York, Pennsylvania and Canada.

As soon as the new Bishops are appointed to their newly created Dioceses, right a way there will be established all necessary Diocesan bodies and organs.

The final bordering of the newly created Dioceses, making their Church constitution according to the newly created situation, and all other questions pertaining to the Church organization will be examined by the competent Bishops, Church-lay Council, and all their proposals to submit for final decision to the Holy Council of Bishops."

After the examination of this the Holy Synod of Bishops resolves:

The decision of the Holy Council of Bishops AS number 20 and 21 / min. 77 of 1963 in regard of creating from the present American-Canadian Diocese, three Dioceses, to take all that in mind and to inform the following:

His Grace Bishop Dionisije Ecclesiastical court, Diocesan Council, and the Church-lay Council (Sabor) in Libertyville, administrator of the Western American Diocese,

the administrator of the Middle-Eastern American-Canadian Diocese, and the Religious Commission of the Federal Executive Council.

At the same time to send an epistle to the faithfuls of the Serbian Orthodox Church in the United States of America and to explain the reasons for bringing about the above decisions of the Holy Council of Bishops and they were called upon to respect all the decisions of the Holy Council of Bishops with full trust.

238

1726

Executing the decisions of the Holy Council of Bishops AS number 20 and 21 / minutes 77, of May 10, 1963 of creating new Dioceses in the United States of America, and the decisions of the Holy Synod of Bishops, Synod number 1664 / minutes 188 of May 10, 1963 of taking action to dissolve His Grace Bishop Dionisije from his priestly services and to discharge him from governing the Diocese, the Holy Synod of Bishops on the basis of article 70, section 21 of the Constitution of the Serbian Orthodox Church and article 13 of the Constitution of the Serbian Orthodox Diocese of the United States of America and Canada, appoints the following for temporary adminstrators:

1. For the Middle-Western American Diocese archimandrite Dr. Firmilijan Ocokoljich, parish priest of the Serbian Orthodox Church in Pittsburgh;;

2. For the Western American Diocese, archimandrite Gregory Udicki, parish priest of the Serbian Orthodox Church in Youngwood;

3. For the Middle-Eastern American-Canadian Diocese, Very Rev. Stevan Lastavica, newly elected Bishop for the Middle-Eastern American-Canadian Diocese.

His Grace Bishop of Raska—Prizren Sir Pavle did not agree with this decision and in regard of the same he is giving his separate opinion as follows:

"I do not agree that the administration of the two newly created Dioceses in America be given to the candidates whose election for Bishops did not pass at the meeting of the Holy Council of Bishops. The reasons for that are the same which I already stated them at the meeting of the Holy Council of Bishops and I consider that such procedure would be in contradiction with the position of the Holy Council of Bishops towards them. I think that the administration of these two Dioceses should be entrusted to one Bishop from here, and the persons in question can only be his assistants. I think that this is the way that the Constitution of the Serbian Orthodox Church prescribes (commands)."

Of this decision to inform His Grace Bishop Dionisije, the administrators, Ecclesiastical Court, Diocesan council, Church-lay Council (Sabor) in Libertyville, and the Federal Religious commission.

239

1657

Holy Council of Bishops of the Serbian Orthodox Church reports that under AS number 36 / minutes 80 has elected Very Rev. Stevan Lastavica, parish priest of the Serbian Orthodox Church in Windsor (Canada) for Bishop of the Middle-Eastern American and Canadian Diocese.

After the examination of this the Holy Synod of Bishops resolves:

The decision of the Holy Council of Bishops AS number 36 / minutes 80 of May 11, 1963 of election of Very Rev. Stevan Lastavica, parish priest of the Serbian Orthodox Church in Windsor (Canada) for Bishop of the Middle-

Eastern American-Canadian Diocese, to submit to His Holiness Serbian Patriarch Sir Gherman, with request to carry out this decision in accordance of article 55, section 4 of the Constitution of the Serbian Orthodox Church.

At the same time to inform His Grace Bishop Dionisije of this election.

President
Holy Synod of Bishops
AEM and Serbian Patriarch
German, signed

Members:
Bishop of Timok, Emilijan, signed
Bishop of Sumadija, no signature
Bishop of Zahum-Hercegovina, Vladislav, signed
Bishop of Raska-Prizren, Pavle, signed

Head secretary,
archpriest
M. Mladenovich, signed.

DEFENDANT'S EXHIBIT 198

Minutes of the meeting held in St. Sava Church, Pittsburg, Pa., June 10, 1963. The attending people decided to send the Minutes to the Holy Synod.

The Holy Synod of
the Serbian Orthodox Church
Belgrade, Yugoslavia

After receiving the decisions of the Holy Assembly of Bishops and Synod of May 10 of this year, we undersigned administrators of the newly formed dioceses in America and Canada started to carry out the same. It is unnecessary to emphasize various difficulties which we have encountered at the very beginning; the greatest of them was the rejection of Bishop Dionisije to honor these decisions.

From our part, in full cooperation and determination to establish peace and order in this part of our Church, we informed all clergymen, church-school congregations and faithfuls about all of the most important parts from these far-reaching decisions of the Holy Assembly of Bishops and Synod. We obtained full cooperation and understanding of the members of the Priest Association of the American-Canadian Diocese.

The Holy Synod Epistle, with a small exception, was read in all churches after the holy liturgy on May 26, 1963. The Epistle was accepted with pleasure and approval by the majority of the faithfuls. More information about the disapproval by Bishops Dionisije and a few priests will be mailed to the Holy Synod under a separate cover. Objection was raised because, beside priests and church-school congregations, the Epistle was directly mailed to a number of individuals.

On June 4, 1963, the three administrators and the executive Board of the Priest Association with some neighboring priests met on the land of the future monastery "Blessed Virgin Mary" (Presveta Bogorodica) in Shadeland, Pa. to discuss and plan our mutual future actions. Bishop Dionisije has forbidden us to enter any of the buildings on the land. Owing to nice weather, the meeting was held outside. On Monday, June 3, the three administrators received a letter from Bishop Dionisije, addressed to arhimandrite Firmilijan and dated May 30, 1963. In this letter he states:

Quote (handwritten, noting quoted)

Prior to this letter, Bishop Dionisije has expressed his willingness to retire, provided the trial against him be stopped and prohibition of church services be removed; this oral statement he revoked as he did with many others before. This statement abou . retirement, which appeared

to be as a sort of cooperation, was given to priests M. Brvich, J. Marcetich, Velimir Kovacevich, Nikola Stepanovich, diocesan legal counselor, and Dr. Uros Seferovich.

On May 25, 1963, Bishop Dionisije, shocking the clergy and Serbs in general, mailed a schismatic message to all Serbs of America and Canada accusing all Bishops and practically refused subordination by the Holy Assembly of Bishops and Synod. This message of Bishops Dionisije was mailed to you.

On Memorial Day, May 30, when memorial services are held at the St. Sava monastery and when several thousands Serbs from America and Canada are gathered there, Bishop Dionisije attacked the Holy Assembly of Bishops and Synod with insulting words calling Serbian Bishops stoopes of the communist regime.

The Priest Association Executive Board and the three administrators held their meetings on Shadeland separately. Afterwards, they got together and discussed the conditions created in the American Canadian Diocese. From this meeting in Shadeland, we issued our first written message to the clergy, church-school congregations and all Serbian people in America and Canada telling them about the new changes in the Diocese; a copy of this message is enclosed.

The Priest Association Board also discussed the problems of our Diocese and sent their message to the Serbian people in America and Canada; this message is also enclosed. The message of the undersigned administrators contained excerpts from the Minutes of the first meeting of the newly appointed administrators. In full cooperation, we decided to discuss all important questions at our meetings and keep separate Minutes with conclusions of any subject discussed.

Four members of the Diocesan Council, three of which are civilians (Nikola Stepanovich) and one priest (arhimandrite Dimitrije Balach) have called the Diocesan Council meeting for June 6, 1963; they did it without consultation and cooperation of us, newly appointed administrators. After mailing invitations to the members of the Council, Mr. N. Stepanovich told the administrator, arhimandrite Firmilijan, by telephone that Bishop Dionisije will not attend the meeting, requested him to attend the meeting, and assured him that the Council will try to influence Bishop Dionisije to honor the decisions of the Holy Assembly of Bishops and Synod.

At our meeting in Shadeland, we have decided that, under the above conditions, arhimandrite Firmilijan once more tries to take over the administration of the Diocese and the property in Libertyville.

On June 6, the Diocesan Council convined at the St. Save monastery; almost all members were present. The meeting was presided by vice-president Dr. Unos Seferovich. Although it was promised that Bishop Dionisije will not attend the meeting, he was present. In the very beginning of the meeting, arhimandrite Firmilijan insisted that the administration of the Diocese and property be handed over to him in accordance with the decisions of the Holy Assembly of Bishops. Bishop Dionisije categorically refused this with motivation, that the decision of the Holy Assembly of Bishops was made under the influence of the communist regime, and it is uncanonical and illegal. The first and most important point on the agenda was the division of the present Diocese on three new dioceses. Discussion on this point lasted several hours. It was obvious that the majority believed that the decision of the Holy Assembly of Bishops to create new dioceses was made without prior consultation of the diocesan governing bodies and

was against the Constitution of the American-Canadian Diocese, which can only be changed by the church-people assembly of the Diocese. Based on the majority's opinion and on motion of Mr. Todor Polich, it was decided, since this Council is without authority to solve this question, to submit it to the regular church-people assembly, already called for October. Since this subject required a fast solution, motion was made to call the church-people assembly for August 6, 7, and 8 instead of October. The majority was for this motion. The newly appointed administrator, arhimandrite Firmilijan, three priests, and a few laymen abstained. In accordance with this decision, the presiding officer said that, naturally, the decisions of the Holy Assembly of Bishops and Synod concerning the appointment of the administrators of the non-existing dioceses as well as the prohibition to Bishop Dionisije to administer church services and head the existing Diocese are made by the church-people assembly.

The second question dealing with wrong-doings of Bishop Dionisije, temporary prohibition to administer church services and to head the Diocese, was then discussed. The majority of the Council, following the first decision and expalanation of the legal counselor, Mr. Stepanivich, voted to mail a letter to the Holy Synod requesting a special commission to be sent over here as soon as possible, to bring all proving material, to review the whole subject, and make a final decision; all this, if possible, should be done prior to the meeting of the church-people assembly. We live to mention that, in this question, all the members agreed, if the Bishop's wrong-doings are proved, decisions of the competent Church authorities will be unconditionally accepted. The hardship of this question was Bishop's statements, oral and in writing, that everything against him is coming neither from his wrong-doings nor from wishes of the Holy Assembly of Bishops, but under the pressure of

communist regime in Yugoslavia, which, "from a long time ago, is seeking his removal due to his well-known patriotic and anti-communistic actions in America." His writings contributed much in increasing doubt about the truth of his wrong-doings by many organizations, especially political ones, as well as by some individuals. With passing time, this doubt was increasing more and more among the people causing quarrels, debates, and a situation which may produce division and schism. We consider appropriate to let the Holy Synod know that the appointment of an administrator for the Midwest Diocese, in addition to the aforementioned situation, produced also a doubt that the administrator's role follows "an in advance prepared plan," namely, to take over the administration of the Diocese until another bishop from Yugoslavia is appointed for this Diocese. This opinion was supported even by those who were willing to accept the decisions of the Holy Assembly of Bishops, provided they were sure they were not made according to an "in advance prepared plan." Among these was the legal counselor of our Diocese, Mr. N. Stepanovich. The general opinion of the majority attending the meeting, as well as in all congregations of the American-Canadian Diocese is, that the decisions to create new dioceses were made in a hurry and without consultation of Diocesan governing bodies and church-people assembly. Although suggestions about this question were discussed at our past church-people assemblies and at meetings of the other church governing bodies and the Bishop mailed some requests to you in this connection, it was not discussed in the church-school congregations and other organizations, which here in America, willy-nilly, have influence on our church life. To this, a feeling, that is jealously honored among the Serbs in America, must be added, namely, that there is a Diocesan constitution approved by the Holy Assembly of Bishops, which gives us right to participate in this question and the opinion and

cooperation of the people to be heard and obtained, that is to say, of the church self-governing Diocesan bodies. Such a feeling led, as above mentioned and according to the explanation of the legal counselor, to an opinion of almost all of the members of the Diocesan Council that your decisions were made against the Constitution of our Diocese and, therefore, cannot be accepted.

To support the above opinion, Bishop Dionisije read excerpts from letters Nos. 115 of 2/13/62 and 127 of 5/25/62, which mentioned in the decision of the Holy Synod of 5/17/63 dealing with the creation of the new dioceses; he has succeeded to show that the statements of the Holy Synod were false and that no one, himself or church-people assembly, has asked for any division or creation of new dioceses. In order to prove to our people that there were talks and conclusions about creation of new dioceses and to show them that your decisions were made according to these requests, as well as to advance our church life in America and Canada, we think that the letters bearing the aforementioned numbers be photographed and mailed to us for use.

Whereas the monastery of St. Sava in Libertyville is the residence and the administrative center of the American-Canadian Diocese, we consider that taking over the administration of this part of the newly formed Midwestern Diocese is the main solution to carry out all decisions of the Holy Assembly of Bishops and Synod. The definite rejection of Bishop Dionisije to carry out the decisions of the Holy Assembly of Bishops and hand over the organization of the Diocese to the appointed administrator, arhimandrite Firmilijan, makes the problem more difficult and prevents the other two administrators in the other two newly formed dioceses, which up to now did not have either residence or administrative center, from starting

administration and normal leading of the spiritual and administrative life in the dioceses. Solution of the first main question would, naturally, regulate life in the other two dioceses by mutual meetings and cooperation of all three administrators in the existing center, monastery St. Sava in Libertyville.

The above mentioned decisions were made by the Diocesan Council on the meeting of June 6; this meeting was called by the vice-presidents, Nikola Stepanovich, Dr. U. Seferovich, and Svetozar Maravich and adhimandrite D. Baluch, Diocesan secretary, and "by approval of Bishop Dionisije," as pointed out in the letter. At our meeting in Shadeland on June 4, all three of us agreed that this call for meeting is illegal and against the Constitution. In order to carry out the order of the Holy Assembly of Bishops and Synod, we have decided to send arhimandrite Firmilijan to attend the meeting and read again the decisions of the Holy Assembly of Bishops appealing to the Council members to help him to take over the administration of the Diocese. In the beginning of this report, we stated that arhimandrite Firmilijan tried, after reading the decision of the Holy Assembly of Bishops at this meeting, to take over the administration of the Diocese. Bishop Dionisije definitely refused to hand over the administration because he does not accept the decisions of the Holy Assembly of Bishops and Synod. This question was then postponed and the discussion on division of the Diocese took place. During this discussion, arhimandrite Firmilijan tried again to put the first question on discussion. Then Bishop Dionisije got up and said that he accepts the decision of the Holy Synod concerning prohibition of church services, but the administration of the Diocese cannot hand over to anyone, except the people who welcomed him 23 years ago. He claimed that there are many other reasons which "inable

him to hand over the Diocese," especially his close connections and work with Episcopal Church in America. One of the Council members reminded him that not long ago he signed a resolution of the Diocesan Executive Board as well as two resolutions of the Priest Association, in which the cannonical, spiritual, and hierarchical unity with the Church in Yugoslavia, as well as the authority of the Holy Assembly of Bishops and Synod in connection with his wrong-doings is unconditionally recognized; he said that he removed his first signature several days ago; yesterday he removed his second signature; today he removes his third signature given at the Annual Priest Association Assembly in Lorain. To have a real picture of the whole situation, we may say to you that Bishop Dionisije, with these doings, lost the trust of almost all, even his closest coworkers, but the present situation is on his side and he succeeded to reduce the severity of his wrong-doings by people's doubt in the well-meaning and free decision-making of our higher Church Authorities in Yugoslavia.

Almost at the end of the above meeting, arhimandrite Firmilijan was recognized the third time. He told the Council that he came to this meeting to carry out the order of the highest Church authorities and again requested the Council members, calling their attention to their oath and duties to the Church and to bad consequences outcoming from this position of Bishop Dionisije, to make decisions and immediately hand over administration of the Diocese to him as the appointed administrator until Bishop Dionisije's wrong-doings are tried and the decision made. The Council's members present, excepting a number of priests and laymen, remained untouched as they were in the prior two endeavors and obviously were in accord with Bishop Dionisije, who again said that he will not hand over the administration of the Diocese and that he does not recog-

nize the decisions of the Holy Assembly of Bishops and Synod. After this, arhimandrite Firmilijan said that, when Bishop publicly and obviously does not honor decisions of the highest Church authorities, from now on, the Bishop should not expect him as his Bishop, to respect him and carry out his decisions and orders. Approaching the Council's members, arhimandrite Firmilijan called again their attention to the seriousness of the situation and their responsibility as well as to the consequences that may come forth. He considered this meeting illegal and all decisions are illegal and unconstitutional. Insubordination of Bishop Dionisije to the highest Church authorities is a tragic first step for schism in our Diocese. After this, he left the meeting by saying that he will carry out the decisions of the Holy Assembly of Bishops and with cooperation of the other two administrators, organize a new temporary administrative center and report about this to the clergy and church-school congregations of the up-to-now American-Canadian Diocese. Together with him, the meeting was left by priests: Milan Brkich, Miodrag Mijatovich, and M. Djuvich and a few laymen members. At this time, Bishop Dionisije said that arhimandrite Firmilijan is not Bishop's representative any more, and the next day, he made decisions in writing that M. Djuvich and M. Mijatovich are not the members of the Diocesan bodies any more, although they were elected by the church-people assembly.

After this meeting, Milan Brkich, Bishop's representative for Mid-West, and V. Rev. Vladimir Mrvicin, Bishop's representative for West, met in Milwaukee on June 7, 1963 and sent a letter to us, administrators of dioceses, with six questions requesting explanation; this letter is enclosed.

On Sunday, June 9, 1963, the consecration of the new Church hall, school, and parish house took place in Cleveland, Ohio. With blessings of His Holyness, Patriarch

Gherman, the consecration was performed by three of us with 20 priests and one deacon. After going three times around the church with about 2,000 faithfuls, we washed the holy table (casna trpeze) etc., as prescribed in the book. Although it was expected that some negative elements will use this opportunity and try to cause some troubles, we were very cautious and tactful and nothing happened. The faithfuls followed this holy church service in best order and piously. At the end of the liturgy, V. Rev. St. Lastavica preached. Somewhat less than 2,000 people attended the banquet; they came from various colonies of America and Canada. In the name of Church and clergy, the main speaker was arhimandrite Firmilijan, who in his speech especially emphasized the wish of the highest Church authorities to hold cooperation and unity among the Serbs in America and Canada. Father Grigorige also greeted the present people. After the banquet, usual amusements (dancing, singing, etc.) followed, also without troubles. Three of us left Cleveland in the evening with a belief that the faith and sincerity of the attending Serbs to their Mother Church came to a full expression.

Based upon the above said, we are taking the liberty to present our opinion to the Holy Synod:

1. It is indispensable to rush trial against Bishop Dionisije and make a definite decision in connection with his schismatic actions and other wrong-doings, because he is making confusion among the Serbs by his statements, that the communist regime is after him through the Holy Assembly of Bishops and Synod. Without doubt, only his church wrong-doings may be taken into consideration. Serbian church-people assemblies called for August 6, 7, and 8 of this year: this Assembly was called by the civilian members of the Diocesan Council and may be cancelled. By that

time, it would be necessary to publish at least proving material about his guilt, if not the final decision.

2. Since Bishop Dionisije is everywhere stating that he is condemned without hearing, it would be good to send him the formal indictment for answer and let one of us three know about it.
3. After his unsuccessful separation of the American-Canadian Diocese from the Mother Church, Bishop Dionisije evil-mindedly presents the decision of the present Diocese on three Dioceses as an act of separation and has succeeded to persuade the majority of the layman-members of the Diocesan Council and influential Serbs in the public life. Therefore, it is necessary in the future actions and decisions of the Holy Assembly of Bishops and Synod, to emphasize the unity of the newly formed dioceses among themselves and with the other dioceses of the whole Serbian Orthodox Church as one indivisable whole.
4. In accordance with the judicial concepts over here, it would be useful that a delegation conduct trial and hearings over here and check financial and material handling of Bishop Dionisije; this, up to date, was unapproachable to us.
5. To emphasize or point out once more that the boundaries of the newly formed dioceses of America and Canada are temporary in order to avoid unnatural division as prescribed in the decision of the Holy Assembly of Bishops AC No. 2021/ZAP 77 of May 10, 1963. The spiritual center of the Mid-East American-Canadian Diocese should be in Shadeland—future monastery "Blessed Virgin Mary." We request the Holy Synod of Bishops to have a profound trust, that the three of us have accepted heavy duties and responsibilities in order to solve church problems in this

most important time for the American-Canadian Serbs; we will solve them peacefully and to be useful for the Church as a whole, so that we will not depart from any general Church questions.

Always thankful and sincere to the Holy Assembly of Bishops and Synod

Administrator

DEFENDANT'S EXHIBIT 218
SERBIAN ORTHODOX DIOCESE FOR
UNITED STATES OF AMERICA AND CANADA

To the Holy Bishop's Synod and
Bishop's Council of the Serbian Orthodox Church
Belgrade, Yugoslavia

number 164
dec. 23/1962

Your Holiness
Your Graces Metropolitans and Bishops
Our dear Brothers in Lord and St. Sava
Bless;

By its letter of Number 1856/Min. 366 of June 29, 1962 the Holy Bishops's Synod has notified us that the Holy Bishop's Council by its decision Number AC 19/Min. 50 has recommended to the Holy Bishops's Synod to assign a special delegation to visit our Diocese and, with us as responsible Bishop, to discuss the questions and propositions we sent, in its time, to the Holy Bishop's Council, as:

1. Elevation of this Diocese to the rank of Archdiocese-Metropolia:
2. Adding to this Diocese territory of South America and South Africa, and
3. Elecation of two of our Vicar Bishops as assistants to the legal Diocesan Bishop.

The Holy Bishop's Synod at the same time asked, that the Delegation would be brotherly received and to visit bigger colonies and parishes of this Diocese.

Confirming a receipt of the above letters we are notified that the copies of it have been sent to all of our priests and church congregations, with the recommendation that the Delegation should be Serbian and brotherly received in all our colonies visited by the Delegation. That gifts for our Patriarchate in witness to our added circular. sent also. to our newspapers for publication. Some of them published it.

His Grace Metropolitan Damaskin by his letter of August 10 has notified us that the Delegation will start by train on September 10th to Paris and thereafter by airplane to New York where they will arrive on September 13th.

Our immigrant Press made different comments about the purpose of this Delegation. Some of them attacked us, the Bishop of this Diocese as a person preparing a secession of our Diocese from our Patriarchate, asking for my release, as it was done by legal representatives of Yugoslavia and, as it happened with the Counsul General of Yugoslavia (Chicago and Toronto), and by some members of Ljotich movement "Zbor" gathering with Mr. Momchilo Djuich. Then the weekly newspaper "Voice of Canadian Serbs" edited in Toronto by Mr. Radoje Knezevich a former Minister of the Court (of King Peter II) as well as by the supporters of the Communistic Regime in Yugoslavia. One part of the movement of Ljotich, "Zbor" gathering remained on its previous ideology: "Cecession from our Patriarchate.

As the meetings of the Holy Bishop's Council were long ago concluded some different commetaries were circulated about the purpose of the Delegation's arrival. Some private letters of some Bishops (from Yugoslavia) were shown as other private correspondence that I as Bishop will be released. For that reason I sent a special letter to His Holiness Lord Patriarch kindly asking for information. Whether the Delegation is arriving and when and also which questions it will discuss. We got an answer in the first half of August. After that we published about the arrival of the Delegation.

The Delegation arrived in New York on September 13th. They were met and greeted by our representative Very Rev. Firmilijan Ocokoljich, archimandrit, parish priest of

New York. The same day the Delegation arrived in Chicago where I personally met them at the airport with several priests. The Delegation was also met at the airport by the Consul General of this regime of Chicago. Upon our immediate arrival at our St. Sava Monastery we went to the church where we had a litthany for the King, for the Patriarch, for the Metropolitan Damaskin and for myself and the other Bishop. I extended my official greeting to the Delegation. It should be mentioned in here: that His Grace Metropolitan Damaskin agreed that in each colony should be visited by the Delegation. The local parish priest may mention the name of King Peter II but Archideacon Branlslav Petrovich, a third member of the Delegation, is to mention the names of His Holiness Patriarch and the Bishops. The Delegation was hospitalized in our Monastery of St. Sava.

In the name of our Diocese the Diocesan Executive Committee, called for Sept. 14th, extended its welcome greeting to the Delegation. Since our Diocesan Sister's Auxilary had its annual gathering on September 15th and 16th, the Sisters Auxilary National President Mrs. Andja T. Polich extended a greeting to the Delegation. During that occasion we awarded all members of the Delegation our Diocesen award of the St. Joanikije, the first Serbian Patriarch. The first Holy Liturgy, on Sunday Sept. 16th was performed by his Grace Metropolitan Damaskin.

Monday, Sept. 17th started our official work with those questions:

1. Questions of amendment of our Diocesen Constitution;
2. Question of adding to this Diocese the territories of South America and South Africa;
3. Question of elections of one or two Bishops for this Diocese.
4. Question of my arrival in Belgrade and participation in the work of the Holy Bishop's Council;

5. Question of my "not mixing in Politics";
6. Question of visiting our bigger colonies by the Delegation;
7. Question of charges against me as the Bishop of this Diocese.

His Grace Metropolitan Damaskin and Bishop of Backa Nikan participated in our discussion. The Bishop Nikaurz has agreed to sign the minutes they prepared. His Grace Metropolitan Damaskin presided at the discussion and laid down the questions:

1. THE AMENDMENTS OF THE DIOCESAN CONSTITUTION

His Grace Metropolitan Damaskin asked: "In which stage are the question of the Amendments to the Diocesan Constitution? My answer wa: "According to the decision of our National Assembly and in the spirit of Diocesan Constitution Art. 23 p. 8 a special committee eas elected to prepare those amendments. All of our priests were asked to give their own suggestions for the Amendments. That work was unfinished, when all preparation is done they will be sent to the Bishop's Council for approval. At the same time, I said, as president of our Church National Assembly that I sent in 1956 some propositions of changes of some articles of the Constitution relative to the election of Bishop of vicar-assistent Bishop of elevation of this Diocese to the rank of Metropolia as well as others, according to the Article 12 of the Constitution, p. 2. Some of those questions are still undecided and unconfirmed.

His Grace Metropolitan Damaskin gave his explanation: For the time being all porposed amendments of the Constitution concerned with the Constitution of the Patriarchate could not be changed, because the Holy Bishop's Council has its own reasons why the amendments of Patriarchate's Constitution at the present time shouldn't be brought. These reasons we are not mentioning in here but that the

process of amending the Patriarchate's Constitution will open a door of interference of some elements enemical to the church. That will damage the church itself. Accordingly it could not be spoken of the elevation of this Diocese to the rank of Metropolia, nor changes in regarding the election of Bishop for this Diocese. Very Re. Branko Petrovich in private conversation with some of our members said: Nothing of the elevation of this Diocese to the rank of Metropolia.

I, myself, declared: "I didn't ask for myself the rank of Metropolitan, but for the benefit of this Church and of the scattered our Serbian People. I din't write about it in my own name but on behalf of our diocesan Church-National assembly. I gave my own written declaration: If I am not wanted neither by the Holy Bishop's Council to be a Metropolitan, nor by this people, let be elected somebody else by these people, and this Diocese should become a Metropolia because of her immense space, (all American Continent) which would be a connection of scattered Serbs in their own Serbian Orthodox Church. Now I am withdrawing all my proposals but at the time before our diocesan Church-National Assembly, I will, simply, explain what I didn't succeed and I will turn over all those proposals back to the Diocesan Church-National Assembly, and let it be how the people deside and how the Bishop's Council approve it.

I am adding in here my own private opinion about the ammendments of the diocesan Constitution, and the Constitution of Patriarchate, which I didn't express before the Delegation, as:

The Holy Bishop's Council already made same cardinal changes in its own Constitution as: He abolished our own Diocese of Budinlje-Polimlje; He eliminated de facto as part of the Serbian Orthodox Church the Dioceses of

Skoplje, of Ohrida-Bitolj, and Zeletovo-Strumica transferring them to the so called Mecedonian Orthodox Church; He delivered to the Moscow Patriarchate our Diocese of Chechoslovakia and Moravia; He eliminated our vicarate of Scadar (in Albania) not electing anyone anymore, even not nominating a Vicar-Bishop of Scadar; He gave to himself "free hands" in the decision of those parts of our Sremsko-Karlovacka Metropolia which are ourside of Yugoslavia; (That was a decision of Diocesan Church-National Assembly) He gave to himself "free hands" regarding the article 16 of its own Constitution "Concerning the creation name, abolition, distrikting the sizes of the Diocese and the creation and abolition of the position of the suffragan Bishops," and he is bringing decision with legal power of everything considering as needed and useful for the Holy Church so, accordingly, he could change decision and articles relative to the name of this Diocese and of elevation of its Bishop to the rank of Metropolitan.

2. THE ADDING OF THE TERRITORIES OF SOUTH AMERICA AND SOUTH AFRICA TO THIS DIOCESE.

That right is given to the Holy Bishop's Council by the Patriarchate's Constitution. There is no change of the Patriarchate's Constitution at all. By the arrangements of the Dioceses were done in the amended Constitution of 1947. It is not in conformity with the Article 14 of the Patriarchate's Constitution in the present situation of Belgrade-Karlovci Archdiocese which had its seat in Belgrade since from that Archidiocese there were left only several places and from her other territory was formed two Dioceses: Sremska and Sumadijska.

Regarding this question I declared: I will not accept it if His Holiness Patriarch himself gave to me to be administrator of those parts of the world since he could take them from me at any time. I will accept it only if the Holy Bishop's Council decides that these territories be a part of our Diocese. The Delegation accepted my declaration that they will propose it to the Holy Bishop's Council.

3. QUESTION OF ELEVATION OF BISHOP FOR THIS DIOCESE—IT IS ALSO CONNECTED WITH PROPOSED AMENDMENTS

Right of the Bishop's Council for the elevation of Bishop of this Diocese in no way will be curtailed and this Diocese would have a right of proposing candidates for the Diocesen Bishop. I consider it, that the Holy Bishop's Council could accept it. The same happened to the Bishop's Council himself on election of a Patriarch when they proposed three candidates of whom he may elect anyone he wants. Besides that the whole Constitution was brought in the time when the Kingdom of Yugoslavia had a right of confirmation of all elected Bishops including a Bishop for this Diocese. I, myself, came to this Diocese with a confirmed decree. If the Holy Bishop's Council accept this proposal it will avoid all attempts of all those who are dreaming of cessation of this Diocese from the Patriarchate. If it remains according to the present standpoint, in hiding himself behind the of "not changing of the Constitution. Later he will cause many difficulties and convultions perhaps and cessation. At the same time the election of a new Bishop for this Diocese will be easier because this Diocese is self-supported: supporting her own Bishop as well as other church organs and bodies. If it could not be that way and give the people their rights—no that could be only in the totalitarian

system and regimes but not in democratic states since there is no obligation without right and vice-verse.

Delegation didn't accept my arguments.

4. QUESTION OF ELECTION OF A SUFFRAGAN-VICAR BISHOP FOR THIS DIOCESE.

His Grace Metropolitan Damaskin explained that it will be a great precedent if to any Diocesen Bishop be permitted a Vicar-Bishop except to the Patriarch. He proposed: I as Diocese Bishop may propose to his Holiness Patraiarch, he to the Bishop's Council, two or three candidates which will be de jure elected as Vicar Bishops to His Holiness Patriarch, but de facto—that His Holiness Patriarch may assign them at the service to us—the American and Canadian Bishop. It could be done that two or three Bishops from Yugoslavia may be called to perform ordination and perform the oath to the Bishop's Council, etc. The unity of our Church will be saved in that manner.

My answer was: I already refused such a proposal by His Holiness Patriarch through Very Rev. Milan Brkich. I could not accept Vicar Bishops having their own principal in some other person, except me. His Holiness could remove those Vicar Bishops according to his own wishes. Something may happen that I could not accept since it will be one country but two rulers. For example: today your delegation made a proposal to me to collaborate with Titos, representative in this country, that will be ordered to those Vicar Bishops. Also I, as jurisdictional Biship, am not in accord with it. Besides that, I would not make any proposal before some consultation with our clergy, diocesan authorities and diocesan Church-National Assembly. The Delegation then declared, that such a "precedent"—that Diocese may propose candidates for Bishops, could not be accepted. According to his opinion, that would cause

great troubles and interference of different laymen in Kife of our church, but only I, as diocesan Biship, should send such a proposal.

I declared: such a proposal is in the best interest of peace and unity of this Diocese with the Mother church. I could not send any such proposal and we would never receive any Vicar Bishop, elected and sent by the Holy Bishop's Council without agreement and proposition by the Diocesan Church-National Assembly. In accordance with that I am not sending any proposal to His Holiness Patriarch for any Vicar Bishop. If he needs any of them, let him propose them for himself and the Holy Bishop's Council let elect them, understanding for those church regions only where His Holiness administer the church affairs.

5. QUESTION OF MAY ATTENDANCE TO THE SESSIONS OF THE HOLY BISHOP'S COUNCIL.

That question was delivered to me by His Grace Metropolitan Damaskin adding to it since His Holiness Patriarch and the Holy Bishop's Council guaranty my security. Besides that, is your obligation to come, he added. Abstinency is a canonical guilt. I answered to it: Who guaranties to His Holiness Patriarch and to the members of Holy Bishop's Council their own security if they accept my viewpoint and standing of work and activity? Could you overthere (in Yugoslavia) guarantee to yourselves such a security in the similar cases. With that standing and activity of our church in Yugoslavia, the church enjoy some kind of security, but if your standing is changed who could guaranty security to you and to the church? His Grace Metropolitan Damaskin said: that answer has some reasons and because of them the Holy Bishop's Council didn't raise any question against my abstinence.

6. QUESTION OF NOT-MIXING IN POLITICS

This question is connected with cooperation with Yugoslav-government representatives in this Country. The Delegation asked that I should cease to conduct national Serbian affairs and work only in the limit in the church activities. My answer was: I will remain with my answer given to the Holy Bishop's Synod, that all my present work is not as political doing and is not "mixing in politics", but that it is a conduct of church Serbian National affairs. It will be impossible for me to change that line of work, first, because of my conviction. I am fighting communism from the time of my students age, even from the time when I was in High School. My view-point is this:

The State's Constitution in the Yugoslavia Church is seperate from State, and in accordance with that church is governing its affairs autonomously as well as taking care of the Serbian people as her spiritual children. According to its own Constitution Government in Yugoslavia has no right to mix in church affairs. I am, and I will remain, in unity with our Mother Serbian Orthodox Church of St. Sava, if that unity is not spoiled by you, from overthere (Yugoslavia). In the sametime I am fighting each kind of communism and of Tito's communism as well by my right as a member of Serbian Orthodox Church and by my right as an American citizen as well as by my right as a free man to whom Tito, even in here, is trying to close the mouth through you, through His Holiness Patriarch and through the Holy Bishop's Council.

His Grace Metropolitan answered to it this: Surely many church rights overthere are denied, but in the sametime we enjoy some relative freedom, and this diocese, which should be strong, could help our church much more if I, as a Bishop, could establish some connections directly

or indirectly, with the representatives of Yugoslavia. In that case help from here could be greater and stronger. A lot of things could be finished by telephone conversation, through embassy or Consulates of Yugoslavia. For us, the Orthodox Serbs, has no one from outside of Yugoslavia to intervene, and because of that lack we have less help from the outside world (meaning outside of Yugoslavia).

I replied to this remark: Such a proposition could not be accepted. First if I accepted it our people wouldn't want us as a Bishop. Second I would betray my own conscience here, in freedom, which you are trying to have your difficulties. What I may promise is that: I will not attack our Patriarchate for cooperation with Yugoslav communistic regime. You could fight overthere as you could and can. We greatly respect that. But that dictatorial regime has no right to use you to strangle a voice of free part of the Serbian Orthodox Church. That regime has no right to ask through you, overthere, that we in here should not "mix-in politics" as an "exclusive right of the communism" and nobudy else has a right to think about himself, about its nation, but only to keep quiet and to accept laws made by communism and nothing to say when communists are talking and doing about our property, freedom and other right even of life itself. That is flagrant usurpation of rights and a greatest tyrany executed by a dictatorship. I declare: I will remain for our people, for our church conducting her mission from her very beginning to the present time. Finally delagation agreed—that the work of church is not any politics but only care for her own people.

After that I directed to the delegation a question: why our Diocesan delegation wasn't received in Belgrade?

His Grace Metropolitan Damaskin answered: The Holy Bishop's Council by its structure could not receive any laymen to attend its meetings and to negotiate with them. I said—that is understandable, but why the Holy Synod and the Patriarch could not accept our delegation and talk with it, receiving each person and delegation. Why you asked for my personal attendance? Since His Holiness didn't want our delegation I notified the Patriarch, the Very Rev. Milan Brkich, who already was in Belgrade, is not our official representative.

His Grace Metropolitan Damaskin said "that was a mistake". He confirmed it before our diocesan Executive Board. After that I said: because of "your mistake" I said openly in here about that question. Metropolitan Damaskin added that it is a declaration of war. I said: "It is not, that is in view of your sermon of Abesalom and burning a field of Joab when he didn't answer on several calls to come and see him appear togeather before King David, his father. We wrote about it to the Holy Bishop's Council since 1956 and all the time we were refused. Now the Holy Bishop's Council sent to us its own delegation which was brotherly accepted.

His Grace metropolitan said, "that question caused over there an opinion that in here some separation from the Patriarchate was prepared. After that he said, "that wasn't a matter and a way to correspond with the Holy Bishop's Council and Synod. It was understood so, since from over there were some reports regarding that matter. I answered to this remark:

You are afraid of me, the present diocesan Bishop, and the delegation arrived to protect the unity of our church from me who defended it to the present time? On that question I disagree with His Grace late Bishop Nikolaj Velimirovich which didn't want to recognize the Patriarch Vekentije, and which spoke and wrote of a need of crea-

tion of the Serbian Orthodox Outside Synod. Witness of that is the last Number of periodical Missionar of Jordanville and the Numbers of our Sabor of 1952. Bishop Nikolaj asked from us not to recognize the Patriarch Vikentije and through some chanels he worked for the recognition of the Serbian Orthodox Synod by the Patriarch of Constantinople. His Excellency Jovan Djonovich had with him some confidential conferences. He asked me to resign as Diocesan Bishop. The same had been asked by the late Bishop Irinej Djordjevich wishing to be main representative of the Serbian Orthodox Church outside of Yugoslavia and it was refused by Patriarch Gabriel. I am adding to it this fact: The seperation from Patriarchate was favored by the Ljotich movement "Zbor"—gathering about what we have some written proof in our achivement. Now, some of these Ljotich's, transformed themselves into defenders of our church unity and helpers of Patriarch German. We underline It: They are the main attackers against me through the priests association headed by Momcilo Djujich and all defenders of Very Rev. Emilijan Glocar. We are declaring: We will never seperate from our mother Holy Serbian Orthodox Church. To the present time every kind of an attempt I refuse. But if the Holy Bishop's Council will not meet the needs and wishes of these people and if by some imprudent gesture may provoke these people for separation, then let the Holy Bishop's Council see what do do, let him be responsible and not me, here. I, the present Bishop know my way and will remain in the holy will of God and St. Sava from whom my people will not separate. I will defend my own rights as well as right of our people in here by every legal and canonical means.

7. Regarding visiting of greater colonies we answered —a schedule to be prepared as it is proven by a separate added leaf.

8. REGARDING ACCUSATION AGAINST ME AS BISHOP.

This question we personaly directed saying: Are there any charges against me? His Grace Metropolitan Damaskin answered—yes, and they are in three capacities:

a) In regard to your personal life;
b) In regard to material misappropriations;
c) In regard to weakened church discipline and not fulfiilment of church rules.

His Grace Metropolitan Damaskin added to it: that some Mr. Milutin Devrnja wrote several letters to different Bishops and that His Holiness Patriarch said to him that a charge against you does exist from some lawyer. But, he said, this delegation is the Bishop's Council delegation, and didn't receive a duty to investigation Committee; only to establish relation of this Diocese and people with the Patriarchate (Remark: the relation existed). His advise was, that I personally should liquidate all those charges by a peaceful manner with the accuser.

To this point I answered this: Privately I could not answer any kind of charge not knowing either the content of the charges nor who the accusers are. Years ago I was accused by some Communistic group of America and Canada with different accusations, but the late Metropolitan Josif sent all of the charges to me for my answer and I answered on all of them. Why doesn't the Holy Synod send all those charges to me for my answer? When all the charges are sent to me I will answer those for which I find a necessity I will open a civil court case against the accusers. Let them prove their accusations before court and have some legal consequence. If the Holy Bishop's Council after my answer finds out the necessity of an investigation and that I am unworthy of the Bishops rank, I will receive every kind of legal and canonical judgment

and punishment. About all of that I will notify all our people, whom I am serving, as well as having been in the services of God for 23 years. Let it be after a legal procedure and after you judge it and these people. I am looking for a legal procedure to start and let my accusers receive upon themselves all expenses and let them appear before a court.

In connection with the charges against me His Grace Metropolitan Damaskin mentioned my statement regarding Cardinal Stepinac. My answer was: I extended greetings to Cardinal Stepinac when Tito had him on trial and I admired his heroic stand against the communistic rulers. But I am condeming his stand against Serbian people in the former Independent State of Croatia, that he should be brought before Serbian people to answer as a guilty person and before the Courts of Justice in the free world; For persecution of Serbs with his knowledge. His Grace Metropolitan Damaskin said: We want to be peaceful and tolerant toward the Roman Catholic Church. My answer was: In this country we are peaceful and tolerant since that is the Law and spirit of freedom of the Constitution of the United Stated of America.

All this conversation was concluded in our Bishop's office on September 19th 1962. After that time the delegation went to Chicago to visit Dr. Uros Seferovich to receive some medicines as well as to visit the Yugoslav Consul General. The Delegation was my guest on the occasion of my family Day.—St. Joakim and Anna and Metropolitan Damaskin cut our bread-cake, for which I was very thankful. After that began the visits of our colonies.

9. Priest association of our Diocese has asked permission that the priests may extend a collective greeting to the delegation during their special meeting call in South Bend, Ind. for November 19, 1962. I gave permission and went to attend that meeting.

President of the Association extended its greeting to the delegation saying that our priesthood are firmly standing for the unity of our Serbian Orthodox Church. His Grace Metropolitan Damaskin gave them his own greeting from the mother Church declaring that the delegation was very friendly receiced everywhere. That he looked wverywhere for great progress of church life, that this Diocese is not the one that he left 24 years ago and he drew atten tion to some Diocesan problems which will be solved nice and easy in agreement with Diocesan Bishop and Diocesan bodies, he said.

In my own greeting to the priesthood I said, that I am wondering from whom the priests are defending the unity of our church since I, as their Bishop, all the time defended it and saved it to the present time.

During this meetings Mr. Djujich, on of Chetnik's Commanders, Attacked me personaly that: I did not publicly extende my greeting to the delegation; that I am guilty person for all disorders and confusion in this Diocese; That I am secretly preparing the seperation from the Patriarchate; that I am not fulfuling decisions of Diocesan authorities etc. I didn't teach on those alegations.

On the same evening, in the parish home of Very Rev. Dojorje Vuckovich, again the priests were gathered among the delegation and again Djijich attacked me as well as some other priests, saying some lies against me, which even the delegation didn't like to listen to. I felt offended by the delegation which permitted these attacks saying: everybody who has anything against the Bishop let it be written and handed to us. Some of the women in the kitchen were trembling from listening to all of that. After I met the delegation in the Monastery I dicated a letter asking the delegation to reveal to me all those names of accusers. The Delegation didn't do it.

10. THE SECOND MEETING OF DELEGATION WITH THE DIOCESAN EXECUTIVE BOARD;

It was on November 23, in our St. Sava Monastery. Before that I asked the Delegation to issue some statement in which condition of our Diocese was, and if they found any feeling among the people for the separation of the Partirarchate as well as in our meetings and discussions. Metropolitan Damaskin didn't prepare anything for the public, neither did he want to issue any statement. He never answered to this letter.

During this meetin the Delegation was again brotherly greeted. Speakers were: Dr. Uros Seferovich, Vice President of our Diocese and President of the Serbian National Defence Council in America, our legal advisor Mr. Nikola Stepanovich and other/His Grace Metropolitan Damaskin answered some greetings and said:

That he is very satisfied by the brotherly reception from the Bishop, from the Diocese and the people; that the discussion between the Delegation and Bishop was hormonious, without any difficulty, and in some way some agreements were reached, but he didn't make a mutual committee for the public because of all that was only a changing of opinions about what he will report to the Holy Bishop's Counsel. He mentioned some points which were discussed as:

Constitution should not be changed at the today's circumstances, neither the Constitution of the Partriarch and it is not needed of changes. Question of raising the Diocese to the rank of Metropolia should be eliminated as well as the propossed election the Bishop for this Diocese which it was asked. He critisized why a publicity was given to this question. I answered to that remark, it was because of their refusal of our Delegation by the Patriarch, by the Holy Bishop's Synod and by the Holy Bishop's Council.

Regarding vicar Bishops he could not see any reason that they may not be from the United States but let the Bishop make a new proposal including some persons. The Waukegan Delegation will elaborate it and recommend it to the Holy Bishop's Council.

Regarding the including of the new territories of South America and South Africa—in our Diocese he thinks that the Holy Bishop's Council could approve it for two reasons: because of the great distance from Yugoslavia and because of the possibility of losing Serbs to other orthodox churches. Organization of whole Diaspora, even though there were reasons pro and con, could be brought again before the Holy Bishop's Council.

After that the Delegation took leave from our Diocesan Executive Board which wished to it a fortunate return to their fatherland, Yugoslavia.

11. My last conversation, were on September 24th in our Diocesan office, in St. Sava Monastery. I personaly decided that meeting with all three members of the Delegation. I asked the Delegation for these three things:

a) That the Holy Bishop's Council take into consideration my reasons for not attending its session since in these circumstances I could not come to Yugoslavia. In all the time I impowered some of the Bishops to use ny vote. To the present time I have not done anything against our Holy Church or the Holy Bishop's Council. If because if my not attending, comes some punishment, it would be understood as dictated by the communistic regime, and it will form an opinion that the regime is looking for my head. His Grace Metropolitan Damaskin said—that could be tolerated if between us in not any struggle and if these things are not published. I promised nothing would be published if from their side would not be any pressure.

b) That the Holy Bishop's Council explained, if could, to whom it needed government, that this is what I an doing in here with our people, is our Nation-Church and social work and duty which our Holy Church had as recommendations from its founder St. Sava, that is also our right as free subjects of this democratic and christian country. I decreed: that I an against communistic regime in every communistic form, that I am for the King, that I an for unity of Serbian people and Serbian Orthodox Church, that I am for unity of all Serbian emmigration against communisn, that I this Diocese as Representative of Serbs in the free world. Pinishments from overthere (Yugoslavia), if the Holy Bishop's Council may impose some thing against me, will be, and must be published—urbi at orbe—to all our Serbian emmigration and I will conduct myself by a free spirit of our emmigrantion. A punishment will be a proof of a dictatorship of Yugoslavia's communistic regime. Then I will not be responsable for the struggle which will unavoidabley atart.

His Grace Metropolitan Damaskin said: that he unstood it, and the borthers Bishops understand it but with the action in here you are hindering our church overhere and he was begging that we may moderate ourselves as much as we could. I answered it: that it is our desire to help our church in Yugoslavia but I cannot do otherwise by why, in fact, if Our Patrairchate defends communistic regime from our attacks. Why the Patriarch Varnava attacked the government of Yugoslavia in 1937 and struggled against concordare began? Why Metropolitan Mihailo did attack the Government of Serbia 1883 and after that he was exiled? Church could not bend to every wish and request of every government and regime.

c) Regarding the submitted charges against me, as Very Rev. Brnako Petrovich in Paris (France) as well as in here said. That what I am doin in here is hindering

our church in Yugoslavia, I am only asking—do not prejudge it. Let it take a regular legal course and regular legal investigation. Let all charges of priests and othe persons be sent to me for my answer and by that way justice will be satisfied for both sides: for the accusers and for the accused. According laws of this country nobody is considered guilty prior to being judged. I will be very sorry if the Holy Bishop's Concil, under the pressure, and before investigation, undertake some disciplinary and unlegal measures against me since I could not accept that. In that event I must come before public, and a fight will start which, undoubtly will lead to the division inside of our Diocese and especialy to the separation from our holy mother church which if occured will not be our fault, since I will not be able to extinguish the inflamed fire. That fire will transfer to other continants, since at the present time there are some requests from some parts of our Serbian emmigration of other continants to come to the jurisdiction of our Diocese.

If in this case the Holy Bishop's Council undertakes a canonical and regular procedure but I know it—that "Irodiada is asking the the head of John",—Tito—, of Bishop Dionisije, it could be positive, in the meantime, that some other peaceful solution will be found regarding the accusations and the problems. It might be everything will pass without a trembling, without cessation of our Diaposra form our Mother Church. I am not running away from any responsability, I didn't and will not. But if a stick is broken over my head, quickly and unexpectly, there will be somebody to defend me and my fight. Than indefinate struggle will start without my fault.

If by some canonical and regular procedure is proven, according to all private charges, that Bishop Dionisije is not worthy either to be Bishop any more nor to be Bishop of this Diocese. Nobody will defend me, than a rotten apple or pear will fall down from the tree by itself.

I am not saying this for myself, but for the consequenes which will happen, since I have a place and means to live with my pension. There will not be great damage to me but to our church not only in regard to the unity and entireity of our church but in regards to the help to our church and of her reputation before the world. If you could explaine all of this to the rulers of Yugoslavia, it will be very good, but if not, than, brothers, Holy Fathers, do as you consider it the best and let the merciful God be in help, all of us by prayers of the holy Virgin Mary and our dear Serbinan Saint martires and confessors through the ages, Amen.

His Grace Metropolitan Damaskin put some notes of all of that but it was said, that he mentioned somewhere that he found some releases of that Gordian knot. I am adding to it only this: that I catling of that Gordain knot means my replacement.

When I once asked the Bishop of Backa, His Grace Nikanor—how long the Holy Bishop's Council could defend me from the pressure and requests of the regime of my replacements, since, it is positively a fact, he could not answer it. He was afraid to say it openly, but he didn't deny that fact also.

I am adding to this report, that His Grace Metropolitan Damaskin never generally gave to me, as to the Diocesan Bishop, any credit or recognation for the progress of our Diocese, exsept when he couldn't avoid it and when I was present. Many of my accusers gathered around him in all the time, Djujich, adherents of Ljotich "Zbor" and others, which orally spoke to him against me as Bishop. All his attitudes toward me was cold as of a private investigator. I believe that there was a main goal of that delegation to

come in here with such instructions.

Submitting this, a little larger report to the Holy Bishop's Council, I am begging for an excuse since I work in details and remaining in all the time in the lap of the Serbian Holy Sava's Orthodox Church.

Sincerely to the Holy Bishops's
Council
Serbian Orthodox American and
Canadian Bishop DIONISIJE

Before Christmas 1962
In Serbian Orthodox
Monastery of St. Sava
Libertyville, Ill.

DEFENDANT'S EXHIBIT 220

HERALD

THE OFFICIAL ORGAN OF SERBIAN ORTHODOX CHURCH

NO. 9 / Belgrade, October 1, 1945 / XXVI year

OFFICIAL PART

No. 1826
28-15 of September, 1945

REPORT

About the business meetings of Holy Bishops held in Belgrade between 5 IX-23 VIII 1945 and 22-9 IX 1945.

It's taken in consideration the report of Department of Foreign Affairs, that His Holiness Serbian Patriarch Gabriel is in Italy, and His Grace Bishop of Zica Sir Nikolai in Saltzburgh.—

By reason of report of Diocesan Council of Czech's Orthodox Church that the Czech's orthodox Church is revived again, after the most terrible persecutions and tortures from the invader in which lost their lives His Grace Bishop of Czech's and Moravia-Shleska Sir Gorazd,

together with two priests from Pragh Rev. Vladimir Petrsek and Rev. Vaclav Chitka and president of Pragh's church congregation Mr. John Sonesvid all shot by firing squad on September 4, 1942;

And by reason of the Diocesan Council's plea that there should be sent as soon as possible a delegate of Serbian Orthodox Church in order to help in resolving of many important questions, Holy Bishops Synod, expressing their sympathy for the fallen victims for holy orthodoxy acknowleged and agreed with the decisions of Synods presidency in taking the steps with competent authorities, that there should be sent immediately His Grace Bishop of Banat Sir Damaskin as delegate of Serbian Orthodox Church.—

On the petition of His Holiness Patriarch of Moscow Sir Alexei the decision is brought, on the basis of art. 56 of the Serbian Orthodox Church Constitution and due to the urgent and unavoidable matters, that the diocese of Mukachevo-Prjasevsk is dropped from the Serbian Orthodox Church and transfered under the jurisdiction of Patriarchate in Moscow;

And this transfer should be executed personally, in Moscow, by His Grace Bishop of Mukachevo-Prjasevsk Sir Vladimir as juridicial bishop of this diocese, since he together with his clerics and the flock gave his grant on this.—

The letter of bishop Irinej from Apolonia (Albania) was read, in which he is thanking to Serbian Orthodox Church for the help in schooling of Albanain seminarists, and it's okayed that the books are sent to His Grace Bishop Irinej which he had asked for for their needs.—

By reason of demands of the Secretary of the Interior Affairs of Federative Republic of Yugoslavia that His Grace Bishop of America and Canada Sir Dionisije should

be called for questioning and his further activities should be forbidden against the new Yugoslavia, it is answered to Secretary of the Interior Affairs that the bishops are responsible to their higher church authorities if they come in conflict with the question of faith or general canonic discipline.—

Further more the American Serbian Orthodox Diocese, which is in organic ties with Serbian Patriarchate, has its separate Constitution by which in reference to its external independent activities is responsible and governed only according to the laws of the United States of America (article 8 of Serbian Orthodox Church Constitution of Serbian Orthodox Diocese in the United States of America).—

DEFENDANTS' EXHIBIT 221

BISHOP'S CONSENT TO TRANSFER AND MORTGAGE

I, BISHOP DIONISIJE, as successor to Right Reverend Bishop Mardary, as Bishop of the Serbian Eastern Orthodox Church for the Diocese of the United States of America and Canada, do hereby consent to the transfer of the following premises:

That part of the South East quarter of Section 33, Township 45 North, Range 11, East of the 3rd. P.M., in Lake County, Illinois, described as follows, to-wit: Commencing at the North West corner of said quarter Section; running thence South along the West line of said quarter Section 9.09 chains; thence South 76 degrees East 17.45 chains; thence North 4.54 chains; thence East 12.60 chains; thence North 8.79 chains to the North line of said quarter Section; thence West on the quarter Section line 29.60 chains to the place of beginning,

from the SERBIAN EASTERN ORTHODOX DIOCESE COUNCIL FOR UNITED STATES AND CANADA, an Illinois corporation, to SERBIAN EASTERN ORTHODOX DIOCESE FOR UNITED STATES OF AMERICA AND CANADA, a religious corporation.

I do further give my consent to the SERBIAN EASTERN ORTHODOX DIOCESE FOR UNITED STATES OF AMERICA AND CANADA, a religious corporation, to execute a mortgage on said premises of Ten Thousand Dollars ($10,000) or less.

(SEAL)

Bishop Dionisije (signed)
Bishop of the Diocese

State of Illinois
County of Lake—ss.

I, Rev. Firmilian Ocokoljich, do hereby certify that I am, and at all times mentioned herein was, the duly appointed and acting Secretary of the Serbian Eastern Orthodox Diocese Council for United States and Canada, and that as such Secretary I am the custodian of the records and proceedings of the Bishop and Trustees of such corporation.

I further certify that the names and residences of the Bishop and Trustees of said corporation are as follows:

Rt. Rev. Bishop Dionisije, St. Sava Monastery, Libertyville, Ill.
V. Rev. S. Ristanovich, 4943 N. Francisco Ave., Chicago, Ill.
V. Rev. Dusan Sukletovich, 1300 Connecticut St., Gary, Ind.
V. Rev. John Kraynovich, 907 Broad St., Johnstown, Pa.
V. Rev. Andra Popovich, 9807 Commercial Ave., S. Chicago, Ill.

V. Rev. Dr. Milan Popovich, 509 Hazel St., McKeesport, Pa.
Rev. Nikola Drenovac, 39 Laird St., Youngstown, Ohio
Rev. Strahinja Maletich, 789 Franklin Ave., Aliquippa, Pa.
V. Rev. Nikodim Stoyakovich, 767 S. Second St., Steelton, Pa.
V. Rev. George Petrovich, 724 S. Third St., Milwaukee, Wis.
Mr. Mile Radakovich, 501 N. Scott St., Joliet, Ill.
Mr. Dusan Dilaski, 1406 1st Central Trust Bldg., Akron, O.
Mr. Bozo Martinovich, 731 Van Buren St. Gary, Ind.
Mr. Milan Radakovich, 1603 W. Bruce St., Milwaukee, Wis.
Mr. Luka Christopher, 810 Washington St., Gary, Ind.
Mr. Zarko M. Buncick, 2610 1st Central Tower, Akron, Ohio
Mr. George Kovacevich, 2003 S. Jefferson Ave., St. Louis, Mo.
Mr. Risto Nogulich, 2912 N. Damen, Chicago, Ill.
Rev. Nikolai Dazgich, St. Sava Monastery, Libertyville, Ill.
Rev. Dimitrie Balach, 4525 S. 17th St., Omaha, Nebr.
Mr. Peter B. Nelson, 105 West Adams St., Chicago, Ill.
Rev. Dositej Obradovich, St. Sava Monastery, Libertyville, Ill.
Mr. Miodrag Mijatovich, St. Sava Monastery, Libertyville, Ill.

I further certify that Bishop Dionisije is the duly appointed Bishop of the Serbian Eastern Orthodox Church for the Diocese of United States of America and Canada, as successor to Right Rev. Bishop Mardary, and as such Bishop is, by virtue of his said office presiding officer of said Diocese and a Trustee and presiding officer of said corporation.

I further certify that in accordance with the usages, customs, rules, regulations and canons of said Diocese the temporal affairs of said Diocese and said corporation are solely within the jurisdiction and authority of the Bishop

of said Diocese and the Trustee thereof, and that action with respect to any such temporal affairs, and the exercise of any of the powers vested in them by law, or by the usages, customs, rules, regulations and canons of said Diocese may be taken with the assent of a majority of the Trustees which assent may be expressed at a meeting of the Trustees, or without a meeting, by a written vote, transmitted by mail by a majority of the Trustees.

I further certify that heretofore the question of the transfer of the following real estate situated in Lake County, State of Illinois, described as follows:

> That part of the South East quarter of Section 33, Township 45 North, Range 11, East of the 3rd. P.M., in Lake County, Illinois, described as follows, to-wit: Commencing at the North West Corner of said quarter section; running thence South along the West line of said quarter Section 9.09 chains; thence South 76 degrees East 17.45 chains; thence North 4.54 chains; thence East 12.60 chains; thence North 8.79 chains to the North line of said quarter Section; thence West on the quarter Section line 29.60 chains to the place of beginning

from said corporation to the Serbian Eastern Orthodox Diocese for United States of America and Canada, an Illinois religious corporation, the deed for said transfer to be executed by the Bishop and Secretary thereof, was duly submitted in accordance with the usages, customs, rules, regulations and canons of said Church Diocese and said corporation to the Trustees thereof above named.

I further certify that upon the votes expressed by Bishop Dionisije and the Trustees above named, the Bishop and 23 of said Trustees voted in favor of the transfer of said property as suggested, and none of said Trustees voted

in the negative, and that in accordance with the canons, rules and regulations of said Diocese, the transfer of said property for a nominal consideration and the execution of said deed were duly approved.

I further certify that the said corporation and Church Diocese have no written by-laws applicable to the transfer in question, but that in accordance with the canons, rules and regulations of said Church Diocese and said corporation the said Bishop Dionisije and the said Rev. Firmilian Ocokoljich, as Secretary, are duly authorized and empowered to execute, acknowledge and deliver, and affix the corporate seal to the deed for the transfer of said described real estate.

Dated, the 4th day of September, 1941.

Rev. Firmilian Ocokoljich (signed)
Secretary

CERTIFICATE

State of Illinois
County of Lake—ss.

I, BISHOP DIONISIJE, hereby certify that I am conversant with the affairs of the Serbian Eastern Orthodox Diocese for United States of America and Canada, and that after receiving title to the property described as follows:

> That part of the South East quarter of Section 33, Township 45 North, Range 11, East of the 3rd P.M., in Lake County, Illinois, described as follows, to-wit: Commencing at the North West corner of said quarter Section; running thence South along the West line of said quarter Section 9.09 chains; thence South 76 degrees East 17.45 chains; thence North 4.54 chains; thence East 12.60 chains; thence North 8.79 chains to the North line of said quarter Section; thence West on the quarter Section line 29.60 chains to the place of beginning,

from the Serbian Eastern Orthodox Diocese Council for United States and Canada, a corporation, that the Serbian Eastern Orthodox Diocese for United States of America and Canada will not have acquired by gift, devise, or purchase, land in excess of twenty (20) acres used for other than educational and eleemosynary purposes.
(Seal)

Bishop Dionisije (signed)
Bishop of the Diocese
(notarization omitted)

DEFENDANT'S EXHIBIT 240

Seattle: Zora Jaksich, Z. Stojkovich; South Chicago: Savo Pejovich, Vukale Vukotich; St. Louis: Cedo Buda; Sudbury: Ljuban Adzija, Bogdan Borich; Vancouver: Todor Samardzich; Warren: Bojana Pavkovich; Washington: Lazar Vracarich, Vojislav Pantelich, Arsen Kovacevich, Youngstown: Ted Stipanovich;

THE PRIESTS:

The Most Rev. Bishop Donisije, Rt. Rev. Archimandrite Dimitrie Balach & Irinei Kovacevich; Very Rev. Abbotts: Mitrofan, Adam, Nikanor, Vasilie; Very Rev. Protopresvyters: Dusan Sukletovich, Ugljesa Jelich, Svetozar Radovanovich, Jovan Marcetich, Branko Kusonjich, George Vukelich, Aleksije Shevcenko, Danilo Milanovich, Dr. Boro Pavlovich, Aleksandar Dimitrijevich; Protosingel Petar; Jeromonasi: Damaskin, Danilo, Kirilo; Presbyters: Milenko Stefanovich, George Uvalich, Dusan Petrovich, Velimir Kovacevich, Ljubo Stojanovich, Milorad Milosevich, Ilija Dajkovich. Gosti: (Guests: Antonije Abramovich, Georgije Djonlich), two priests from Australia and three from Europe by proxy. All together 36.

For all information write to:
Serbian Eastern Ortodox Diocese for the U.S.A. & Canada
Serbian St. Sava Monastery
Libertyville, Illinois

This list prepared by the
Diocesan Secretary
Rt. Rev. Archimandrite Balach, D.D.

PROCLAMATION
of the

Tenth Church National Assembly of the Serbian Orthodox Diocese for the United States of America and Canada

Summoned in regular session by decision of His Grace the Rt. Rev. Bishop Dionisije and Diocesan Council of this

Diocese, and held on the days of August 6th, 7th, 8th, and 9th, 1963 at the Monastery of St. Sava in Libertyville, Illinois sends warm greeting to all Serbian Orthodox Brethren within the territory of this Diocese and throughout the remaining parts of the free world, and particularly to those in the enslaved Old Fatherland. Being convinced because of many previous circumstances that all their eyes are fixed upon the Serbian Orthodox Diocese of America and Canada as the refuge of the free Serbian Orthodox Church and of the glorious national traditions, and of her resoluteness in the struggle against godless communism, (the assembly) deems it a holy duty to acquaint them of the following:

The Holy Synod of the Serbian Orthodox Patriarchate in Belgrade dispatched to this Church-National Assembly these Acts of the Holy Council of Bishops—AC No. 20 and 21/min. 77, No. 1725/min. 237, and No. 1726/236, of May 17th, 1963 together with its own separate epistle to the faithful of this Diocese—not dated—announcing the following: That the Holy Council of Bishops decided upon the dissolving of this, the Serbian Orthodox Diocese of America and Canada, and of her division into three Dioceses: The Middle-Eastern American-Canadian Diocese (Detroit, Mich.); The Middle-Western American (Libertyville, Ill.), and the Western American Diocese (Los Angeles, Calif.), thereby giving to these newly created Dioceses the same legal status as that of all the other Dioceses in the territory of the Socialistic Federated Republics of Yugoslavia. And at the same time, that it had named as the bishop-elect for the newly created Middle-Eastern American-Canadian Diocese the Very Rev. Archpriest Stephan Lastavica; that His Grace the Rt. Rev. Bishop Dionisije would remain on the throne of the newly created Middle-Western American Diocese, but that it had temporarly suspended his rights of administering that newly created Diocese,

and that it had placed him under sacerdotal suspension and under Ecclesiastical Court investigation because of many particular charges: and finally, that it had appointed administrators, to wit: for the newly created Middle-Western American Diocese the Rt. Rev. Archimandrite Dr. Firmilijan Ocokoljich, and for the Western American Diocese the Rt. Rev. Archimandrite Gregory Udicki.

In its own behalf, the Diocesan Plenum of this Diocese informed this Church National Assembly that because a great number of the faithful of this Diocese have called attention to the above mentioned decisions of the Holy Council of Bishops and Synod, which they themselves have received in the form of a circular letter, the Plenum met in session on June 6th, 1963, and decided:

"(1) The Plenum of the Serbian Orthodox Diocese of America and Canada STATES that this Plenum is not authorized either to accept nor to reject the question concerning the division of the American-Canadian Diocese into three Dioceses and for this reason the entire matter is being referred to the Church National Assembly, which, because of the emergency of the situation is summoned for the days 6, 7, 8 and 9th of August 1963 at the Monastery of St. Sava in Libertyville, instead of the earlier fixed dates of October 14th, 15th, and 16th, of this year, and in accordance with the regulations and decisions of 1960. THIS DECISION WAS UNANIMOUSLY ADOPTED.

"(2) Upon the motion of Rev. Alexander Dimitrijevich, seconded by Milosh Konjevich IT WAS DECIDED that a letter be directed to the Holy Synod with a most fervent plea that it send within the shortest period of time a Synodal Investigating Commission, at the expense of the accusers, which would investigate and conclude as soon as possible the question of charges against our Bishop Dionisije—since according to the above decision no change in the adminis-

tration of this Diocese could take place until decided upon by the already summoned Church-National Assembly. THIS POINT WAS ACCEPTED BY ALL PERSONS PRESENT WITH THE EXCEPTION OF TWO PERSONS WHO VOTED AGAINST."

The Diocesan Plenum informed the Holy Synod of its decision, and then the Investigating Commission of the Patriarchate, comprised of their Graces, Bishops Chrysostom and Vissarion, and Very Rev. Archpriests Mladen Mladenovich and Bozo Tripkovich, arrived in New York on June 28th, 1963, where it was welcomed by the Consul of the Yugoslav Communistic government.

The Commission arrived on July 5th, at the See of the American-Canadian Bishop Dionisije in Libertyville, Illinois, and attempted to give to him a hearing concerning his particular violations, but at the same time it refused to submit to him, in accordance with procedure regulating Church violations, copies of the particular charges for him to answer, nor did it inform him of the particular canonical violations which he is being charged, nor the names of the accusers. In this manner, the Investigating Commission denied him not only the fundamental right of every man and especially of a citizen of the U.S.A., to the constitutionally guaranteed right of a "fair trial," but it also made it impossible for him to prepare his defense, to name witnesses, and to avail himself of other means of proof.

In their private discussions with various functionaries of the Diocesan Plenum or with prominent public workers in the Church field of the Serbian people in the U.S.A. and Canada, Their Graces, the Bishops members of the Investigating Commission admitted: First, that they never did submit copies of particular charges for reply to His Grace, the Rt. Rev. Bishop Dionisije; and second, that they had to act in such a manner in order to protect the particular accusers, so that Bishop Dionisije could not eventually sue them through the regular civil courts and expose them to civil or criminal responsibility.

Truly however, the Investigating Commission did hurry to perform its real and main purpose for which it came—to consecrate Very Rev. Archpriest Lastavica as bishop of the newly-created Middle-Eastern American-Canadian Diocese, which it did perform on the day of July 13th, 1963 in the Church of St. Elijah in Aliquippa, Pa. On the other hand, the Investigating Commission together with the Priests Associated and the afore mentioned administrators of the other two newly created Dioceses, Archimandrite Dr. Firmilijan and Gregory, gave its full support: (1) to direct and lead all priests and church-school congregations, by means of incomplete explanations of half-truths, to break all ties with this Serbian Orthodox Diocese of America-Canada, and to stop the sending of assessments, but rather to send the same to them as the administrators of actually non-existent Dioceses; (2) to attempt to take from this Diocese and come into possession of diocesan beneficies: the Monastery of St. Sava in Libertyville, Ill., the Charity Home at Shadeland, Pa., and the Mission of St. Sava in Jackson, California, as also to take possession of Diocesan belongings in the accounts at various banks; and (3) to boycott this TENTH Church National Assembly and to use every means to prevent the election and the sending delegates of various church-school congregations to the same.

All these unlawful attempts remained to this day unsuccessful and this Diocese has continued—although with great difficulties and losses, both material and moral, its divine mission and work. The clergy, the church-school congregations and the faithful, as almost all national organizations surprised at first by this forceful attack, not only upon Bishop Dionisije, but also upon our foundations,

the autonomy and existence of this Diocese, began to collect themselves, to get together and to consolidate the lines of defenders of their garden of St. Sava on this continent.

All signs indicate that with this and such a stand was not anticipated. And, instead of this stand of the free faithful of the Serbian Orthodox Diocese being taken into consideration, according to that age-old saying, that the "Voice of the People is the Voice of the Son of God," the Holy Synod, by a decision of July 6th 1963, turned over the administration of the newly-created Dioceses which existed only on paper, into the hands of His Holiness and the Serbian and Macedonian Patriarch.

After this Bishop Vissarion journeyed back to Yugoslavia in order to affectuate a special session of the Holy Council of Bishops, which was held on the 26th of July 1963. The then rendered decision of the Council said: that the aministrators—archimandrites Dr. Firmilijan and Gregory are elected as Bishops of the Dioceses which were previously given to them to administrate. The oral directive accompanying this decision was, everything being considered, that their consecrations must be performed as soon as possible, and especially before the holding of this Tenth Church National Assembly. And thusly Archimandrite Dr. Firmilijan was consecrated in the Church of St. Sava in Milwaukee, Wisc., on August 1st, 1963, while the consecration of Archimandrite Gregory was performed in the Church of St. Stephen in Alhambra, California on August 4th, 1963. The protests of the faithful and picket lines didn't help at either of these consecrations, even though they were obvious exclamations of "Anaxsios" (unworthy), which render these consecrations canonically invalid, as the elevation of unworthy persons to the high rank of Bishop.

The aforementioned and cited decisions of the Holy Council of Bishops and Synod of the Serbian Orthodox Church in communistic Yugoslavia, and the afore-related events and actions of the Investigating Commission and newly-consecrated bishops undoubtedly indicate, that here under consideration is not the particular canonical violations of Bishop Dionisije as the main question at all. The central point is the planned and detailed studied and long ago carefully prepared contention of taking over this Diocese as the only strong and certain bulwalk against further communistic infiltration in the U.S.A. and Canada. This is further confirmed by the statement of Tito's ambassador in Ottawa, Canada, given recently in Windsor, Ont., that for their communistic infiltration it is very important that they take over at least one church-school congregation in this country and Canada.

This Church National Assembly especially emphasizes, that from the moment when the Communistic party had taken over power in Yugoslavia, the Serbian Orthodox Church had become gravely enslaved, as was also the entire Serbian People of Yugoslavia. The Communistic regime had confiscated almost all her properties and removable goods; originally it forbade all religious instruction, and later only formally permitted it, by setting forth numerous conditions which in effect actually makes it completely impossible; it forbade the celebration of the greatest Christian holidays and mercilessly punishes absenteeism of children from school or worker and clerks from work because of their celebration of such holidays; it stamps out the economic existence of everyone who dares to be married in a Church marriage, or who takes his child to church for baptism, or who celebrates his patron saint, the greatest and holiest national distinction of every Serbian family from the time the Serbs became converted to Christianity, and kept down through the ages.

The Serbian Orthodox Patriarchate, her holy council of Bishops and Synod and her remaining organs are so enslaved to the degree that all their decisions are rendered either upon the demand of the Federal Commission for religious question of the S.F.R. of Yugoslavia (to which there is a corresponding commission in each of the Federated units) or together with its participation and prior consent. This commission actually corresponds to the former Soviet Commisariat for Faiths.

The association of orthodox priests of the S.F.R. of Yugoslavia, which has as one of its objectives ". . . to promote and strengthen all the achievements of the heroic Peoples—liberating struggle of our people, especially; freedom, brotherhood and equality. . . .," i.e. to promote the power and the regime of the Communistic party of Yugoslavia, actually performs for the benefit of the regime, the role of a politcommisar in all institutions of Patriarchate.

The many-year resistance to the pressure of the communistic regime on the part of the Blessed—in reposed patriarchs Gavrilo and Vikentije, not to permit a schism in the Serbian Orthodox Patriarchate by the creation of the so called Macedonian Orthodox Church, was finally yielded unto the Patriarch Gherman. The age-old title of Serbian Patriarchs, which was: "Patriarch of the Serbs, Archbishop of Pec, and Metropolitan of Belgrade, Karlovac," he changed to a dual title "Patriarch of the Serbs and Macedonians." According to a recent statement made here in America by the Macedonian Metropolitan Dositej, even this duality of the present head of the orthodox church in Yugoslavia is of a temporary character. The Metropolitan expects that, following the election of two or three new bishops this fall, that the Macedonian Orthodox Church will definitely be separated from the Patriarchate in Belgrade and become independent, or even autocephalous. In this manner she will serve as a political instrument of the present communistic regime for the overtaking of the Greek part of Aegean and the Bulgarian part of Pyrean Macedona. However, never in all of history did there exist an independent, much less an autocephalous Macedonian Orthodox Church, and least of all from the time of the establishment of the Serban Orthodox Patriarchate in 1346, until our present days.

The above described situation of the enslaved Serbian Orthodox Church in Yugoslavia indicates in an unambiguous manner that the afore-mentioned decision of the Holy Council of Bishops and Synod of this Church National Assembly fall in the same category, having been written in the Federated Commission for religious questions of the S.F.R. of Yugoslavia, and signed by the mentioned high bodies of her hierarchy. What this Church National Assembly desires to point out, with regard to these decisions, is especially the fact: That not one of the earlier Church National Assemblies, nor even the Bishop of this Serbian Orthodox Diocese of America-Canada, have ever asked for the division of this Diocese, least of all into three new ones. But to the contrary, the Church National Assemblies of 1956 and 1960 asked that even that part of our Holy Church in diaspora which lives on the territory of South America, be placed under the jurisdiction of our Diocesan Bishop, with the aim of their perpetuation and of being gathered under the wings of the Mother Church.

—This Church National Assembly has during the course of this session examined in great detail the legal position of the Serbian Orthodox American-Canadian Diocese with the purpose of determining: first, Is this Assembly validly summoned, and accordingly, legal or not; and secondly, are the afore cited decisions of the Holy Council of Bishops and

Synod constitutional and lawful; with respect to the legal position of our Diocese, i.e. with regard to the directives of her constitution, or not. Relative to this, this Church National Assembly sets forth the following irrefutable facts:

(a) The Serbian Orthodox Diocese of America-Canada from its beginning is based upon autonomy, established by its Constitution of 1927, with all its subsequent changes and amendments of which the last were sanctioned in 1939 by the Holy Synod, in accordance with the regulations of the Constitution of the Serbian Orthodox Patriarchate of 1931. Its specific status and relationship with the Patriarchate is completely different from the position and relationship of all remaining Diocese on the territory of Yugoslavia. This is clearly shown by the fact that it is mentioned in a specific paragraph—article 13 of the Constitution (Patriarchal) of 1931, while reference to all others is made in article 13 of the same Constitution.

(b) Filled with Serbian spirit and the traditions of the Church of St. Sava, the Serbian pioneers on this continent, in founding their churches and desiring to maintain unity with the Mother Church in the Old Fatherland, also desired at the same time to maintain their own rights of self-administration and the bringing forth of regulations for the proper life and development of their religious institutions. In such a manner did their representatives meet in 1927, so that they might sovereignly with all the rights of a constitutional Assembly, at their own Church-National Assembly adopt the constitution of our Diocese, and submitted it for sanctioning to the Holy Council of Bishops and Synod of the Serbian Orthodox Patriarchate in Belgrade. In this way it became a two-sided legal act, which by article 15, the Diocesan Church National Assembly, as the highest legislative and directive organ, was solely authorized to render and adopt changes and amendments to the Constitution of the Diocese, both with regard to its own regulations, and with regard to the territorial jurisdiction of the Diocese and its internal organization.

Therefore, in view of the legislative process by which the Constitution of our Diocese came into being, every division of territory or change in the legal status of our American-Canadian Diocese, which our Church National Assembly, as its legislative and regulative body, does not adopt, represents not only an infraction of its autonomy and her unity and oneness, but also is a direct invalidation of the entire Constitution.

(c) The Serbian Orthodox American-Canadian Diocese formulated its described legal position and relationship towards the Patriarchate by regulations of Laws of the Serbian Orthodox Church in 1930, and of the Constitution of the Serbian Orthodox Patriarchate of 1931. Therefore, the only regulations which are obligatory for this Diocese are those which have been rendered up to April 6th, 1941 in the field of Church legislature in the Kingdom of Yugoslavia, and obviously insofar as they are not in conflict with the Constitution and legislation of the U.S.A., and Canada. Meanwhile, neither this Diocese as a whole nor its faithful are bound, nor can they be bound by any legal regulations prescribed by the present communistic regime in Yugoslavia, regardless of their being obligatory for the Serbian Orthodox Church in the Old Fatherland. Furthermore, it never should be lost to view, and the Holy Council of Bishops and the Synod regularly does overlook that the vast majority of the faithful of this Diocese are comprised of free citizens of the U.S.A. and Canada, for whom first of all are obligatory the regulations of their Constitution and legislation.

(d) By regulation of Art. 20 of the Constitution of the Diocese it is established that the Church National Assembly is summoned by the Diocesan Bishop ". . . in session every three years in the month of September, on the day which is directed by the Diocesan Bishop. . . ."

With regard to this Tenth Church National Assembly the irrefutable fact stands, that Bishop Dionisije, in conformity with the decisions of the Diocesan Council of February 7th, and the Diocesan Executive Board of April 17th, 1963 by the decision no. 178 of April 17th, 1963, summoned this Church National Assembly for the days of October 15, 16, and 17th, 1963. That means at a time prior to the bringing of the afore cited decisions of the Holy Council of Bishops and Synod even if these were to have been constitutional and lawful, and therefore, the validity of this Assembly cannot ever again be brought under question.

Meanwhile, only because of the situation created by the mentioned decisions of the Holy Council of Bishops and Synod, in an attempt to avoid the heavy consequences of such decisions, and having in sight only the interests and wellbeing of the Diocese, the Diocesan Plenum by its decision of June 6th, 1963, merely moved up the days in which the Assembly sessions would be held. There can therefore be no doubt generated that by its act the Diocesan Plenum had summoned a new Church National Assembly; it only changed the time of holding of the previous validly announced Assembly.

For these reasons, this Church National Assembly unanimously established that it had been validly summoned and that it is, according to the regulations of the Constitution of this Diocese, completely legal.

Concerning the aforementioned decisions of the Holy Council of Bishops and Synod this Assembly had found, that by such decisions in their entirety the whole Constitu-

tion of this Diocese has been abbrogated, all rights of the faithful of this Diocese had been destroyed, they had been subjected to the greatest insult and humiliation which could be heaped upon a free man. Furthermore, every Serb in the free world knows, that Bishop Dionisije by his untiring work, for a full 23 years of work in this Diocese has endebted the Serbian people; by the strengthening of the Serbian Orthodox Church in the free world, by his hard work for Serbian unity and by his uncompromising struggle against all Serbian enemies, and especially against the godless communism and blood-thirsty ustashism,—and these should have been the particular reasons for the Holy Council of Bishops and Synod, to guarantee for him to the fullest extent the right to an inviolate defense from the particular charges, in the spirit of the regulations of the Constitution and the procedure for Church-offenses.

Taking into consideration everything outlined above, the TENTH DIOCESAN CHURCH NATIONAL ASSEMBLY OF THE AMERICAN CANADIAN DIOCESE, which are participating of valid delegates among whom are 25 presidents and 31 priests, representing the membership and parishoners of 44 Church-School Congregations from the territory of this Diocese, of political, cultural and humane organizations, and further, representatives of the minority membership of 4 Church school congregations from the territory of this Diocese, and the total membership of 5 Church School Congregations from the territory of Europe, Africa, Australia and S. America, who were present as guests.

—in the desire to maintain and preserve one Serbian Orthodox Diocese in the Free world united and strong;

—convinced, that by the work and efforts of participants at previous Assemblies the basic autonomies of this Dio-

cese were established, her Church School congregations and her other religious institutions most necessary for their further life and proper development;

—being aware, that upon its participant and those they represent rests the awesome duty of preserving freedom, free and democratic institutions and the rights of their membership, our national traditions and national customs, and that they might be upon the liberation of the old Fatherland, restored to the hearths demolished by communistic godlessness;

—deeming, that in the interest of the further existence and proper development of the Diocese as a whole and our church-school congregation as its parts, 'conditio sine qua non' to completely prevent communistic infiltration in them by a determined fight, which will at the same time serve and defend the welfare of the U.S.A. and Canada, adopted the following

RESOLUTION

1. The Assembly does not recognize and considers as unlawful, unconstitutional, null and void the decisions of the Holy Assembly of Bishops and the Holy Synod of the Serbian Orthodox Church of Yugoslavia regarding the division of the Serbian Orthodox Diocese for the United States of America and Canada into three new Dioceses, nor does this Assembly recognize the suspension, deposition from liturgical duties and relieving of the Bishop's duties of His Grace, the Right Reverend Dionisije as the Diocesan Bishop for the United States of America and Canada; and finally, this Assembly does not recognize the nomination of the three new Bishops, The Very Rev. Stevan Lastavica, the Rev. Archimandrite Dr. Firmilijan Ocokoljich and the Rev. Archimandrite Gregory Udicki.

2. The Assembly demands most emphatically from the Holy Assembly of Bishops and the Holy Synod to revoke all its above mentioned decisions concerning our Diocese,

the Right Reverend Bishop Dionisije and appointment of the above named three Bishops and that the same three Bishops be drawn out of the territory of this Serbian Orthodox Diocese for the United States of America and Canada.

3. The assembly adopts the rule that the future relationship of this Serbian Orthodox Diocese for the United States of America and Canada toward the Mother Church, the Serbian Orthodox Church in Yugoslavia, is to be based upon the broadest autonomy for this Diocese and by which they shall be united through a spiritual and liturgical-hierarchial, but not through a canonical-hierarchial unity. Such kind of unity should connect this Diocese to the Mother Church until the full freedom of conduct and the making of decisions shall be restored to the Serbian Orthodox Church in Yugoslavia, which state of affairs can be expected only after the liberation of Yugoslavia from the Communistic yoke.

4. The Assembly requests from His Holiness, the Patriarch Gherman the Assembly of Bishops, and the Holy Synod not to take any disciplinary measures against the clergymen attending this Church National Assembly since the Assembly believes that such measures will provoke more tension and difficulties among the churches and its members of this continent.

5. The Assembly resolves that for the time being no orders or decisions of the Holy Synod or His Holiness the Patriarch will be recognized as binding for this Diocese until the relationship between the Mother Church and this Diocese, The Mother Church, the Serbian Orthodox Church in Yugoslavia, is not interferred with.

6. The Assembly repeats the request, in accordance with the resolution of the Church National Assemblies of 1956 and 1960, and in accordance with the ancient customs

of the Serbian Orthodox Church that in case of death or in case of incapacity of the Diocesan Bishop to conduct the Bishop's duties, or in case of needs, it shall be authorized to elect three candidates, one of which the Holy Assembly of Bishops shall confirm as Diocesan Bishop or Auxiliary Bishop to the Diocesan Bishop.

7. The Assembly decided to send a copy of these resolutions, by registered mail, return receipt requested, to His Holiness the Patriarch and to wait sixty (60) days for his decisions on Sections 2, 3, and 4 of these resolutions.

If His Holiness the Patriarch, the Holy Assembly of Bishops and the Holy Synod would not accept the above mentioned requests of this Church National Assembly within the said period of time, then this Church National Assembly shall look to other solutions for all questions which concern the future and conduct of affairs of this Serbian Orthodox Diocese for the United States of America and Canada.

For this purpose, today's session (August 8, 1963) of the Church National Assembly is being adjourned and shall continue its work on November 12, 13, and 14, 1963 at the Saint Sava Monastery at Libertyville, Illinois in the same composition of delegates, as well as the same presiding officers of the Assembly. However, in case of emergency, the presiding officers of this Church National Assembly shall be obliged to advance the meeting date of this Church National Assembly. In any event, the Diocesan Bishop, The Right Reverend Dionisije, in all his Bishop's rights, and in association with all other Diocesan authorities and organs shall continue, unrestricted, to conduct affairs of this Diocese.

8. The Assembly is aware and accepts the repeated statements of His Grace The Bishop Dionisije that he is prepared to defend himself of any accusations which have

been submitted or shall be submitted against him for any alleged violations in conduct of his duties as the Diocesan Bishop.

9. The Assembly declares that it will not recognize as legal any other "Church National Assembly" or any other "Diocesan authority" established by the three new Bishops forcibly imposed upon the members of any part of this Diocese.

10. The Assembly pledges to God, Saint Sava, its Mother Church and to the Serbian people that it shall do everything upon its best conscience, knowledge, and understanding to defend the existence, unity, freedom, interests and welfare of its Serbian Orthodox Diocese for the United States of America and Canada, and through the same the welfare of its Mother Church, The Serbian Orthodox Church in Yugoslavia.

In Libertyville, Illinois
August 8th, 1963

COMMITTEE FOR RESOLUTIONS AND GREETINGS

Secretary — Dragoljub Mitich

President — Dr. Ranko Brasich

Members: Dr. Urosh Seferovch, Mrs. Andja Polich, Milosh Bajcetich, Very Rev. Ugljesa Jelich, Bosko Langarton, Jovan Kontich, Nikola Stepanovich

DEFENDANT'S EXHIBIT 241

I certify herewith that the following (15) fifteen pages are true and correct copies of the Investigating Commission's Report, dated August 10, 1963, and that these copies were made under my supervision and control.

The original Report is presently in the archives of the Holy Episcopal Synod and under my control.

Belgrade, April 15, 1970

Secretary General
Holy Episcopal Synod
Rev. Mladen Mladenovic

• • • • •

TO THE HOLY EPISCOPAL SYNOD, BELGRADE

By decision of the Holy Episcopal Synod, No. 1986/min. 265 in 1963, we are empowered to investigate the case against Bishop Dionisije, who is accused in the U.S.A., to interrogate the accused and witnesses, to collect evidence about this case and to prepare a report to the Holy Episcopal Synod, with all the evidence for further appropriate action.

(Exhibit No. I)

We could not interrogate the accused because he had refused to cooperate with us. Even before we had met him he had stated publicly (on St. Vitus Day, 1963) that: "I cannot submit for any interrogation and conversation with this Commission . . . I shall communicate with this Commission only by correspondence."

(Exhibit No. II)

Acting upon advice of his closest associates (Dr. Nikola Stepanovic, Dr. Urosh Seffer and Mr. Svetozar Maravich) he has received us any way (albeit not in his residence but in a restaurant) but has refused to answer any questions and insisted we communicate with him only in writing.

(Exhibit No. III)

Since we could not "take a word" from the accused, we went about questioning witnesses and collecting evidence.

From the charges against Bishop Dionisije received by the Holy Episcopal Synod we could conclude that he was accused *primarily for his behavior unbecoming his clerical rank and position* (Par. 219, Art. 2 USLU).

(Exhibit No. IV. Charges by: Rev. Dusan Popovic from Chicago, Sava Saracevic from Edmondton, Mrs. Stojanka Kovacevic from Indiana Harbor, Stojan Lazarevic from Chicago, Rev. Pavle Zelic from Steubenville, Rev. Stevan Prostran from Joliet, Rev. Momcilo Djujic from Gary,

Rev. Vladimir Milinovic from Indianapolis, Rev. Mladen Trbuhovic from San Diego, Prof. Milutin Devrnja from Buffalo, excerpts from an article by dr Dusan Silaski in the newspaper "Jedinstvo", an article "Black Dionisije" by Dobrosav Jevdjevic in the newspaper "Srpska nezavisnost")

Besides these charges we have questioned Mary Alice Drito from Shadeland, who repeated her testimony before two witnesses that Bishop Dionisije, having found her alone in the house, attacked her and attempted to rape her.

(Exhibit No. V—questioning of Mary A. Drito of July 27, 1963)

We have obtained a statement from Rev. Emilijan Glocar from Akron, that Bishop Dionisije had behaved in a similar manner with his wife Bosiljka.

(Exhibit No. VI—statement by Rev. Emilijan Glocar of July 14, 1963)

We have also ascertained that Bishop Dionisije had actually tried to persuade Mrs. Stojanka Kovacevic (a priest's wife) to prevent conception and gave her advice how to do it.

(Exhibit No. VII—statement of Stojanka Kovacevic from Indian Harbor, given on July 21, 1963, before the priest from Chicago parish)

Rev. Stevan Prostran from Joliet reported that Bishop Dionisije had said in his home to his sister-in-law: "You know, lady, my ass gotten so hard that I don't feel the blows any more."

(Exhibit No. VIII—a letter by Rev. Steven Prostran, May 20, 1962)

Raja Milinkevic from Lackawanna testified that the charge by Prof. Milutin Devrnja is true. Early in the morning Bishop Dionisije had come to the monastery cele-

bration in Shadeland, accompanied by a woman. He made some spicy jokes at the place where some sheep were barbecued, drunk and then went to celebrate the mess. This happned in 1957 or 1958.

(Exhibit No. IX—statement by Raja Milinkovic from Lackavanna, given on July 29, 1963, before Prof. Borkom Borcic and Rev. Miodrag Djuric from Lackawanna)

Bishop Dionisije had asked Rev. Vladimir Milinkovic from Indianapolis to persuade a girl from his parish (Evalen Petrovic) to join Bishop in his car for a trip to California, confiding to the priest that "she'll be well off".

(Exhibit No. X—statement by Rev. Vladimir Milinkovic and his spouse Ljubica, given on July 18, 1963 in Canton, before Rev. Dusan Klipa, Bish. Representative from Claerton)

Former President of the Serbian National Federation Mile Radakovic complained to Rev. Stevan Protran from Joliet that Bishop Dionisije had mollested his daughter Marija.

(Exhibit No. XI—Statement by Rev. Stevan Prortan from Joliet of October 21, 1962, repeated before the Investigating Commission on July 24, 1963)

Bishop Dionisije has also been accused for fiduciary misappropriations.

(Exhibit No. XII—Sources from speeches of Rev. Momcilo Djujic at the Convention of Clergy in South Bend on November 19, 1962. H. G. Metropolitan of Zagreb Damaskin and H. G. Bishop of Racka Nikanor participated at this Convention;

Letter of Rev. Momcilo Djujic of September 24, 1962;

Charge by Prof. Milutin Devrnja of June 9, 1962;

Letter from Chicago of November 27, 1963, received by H. G. M. Damaskin)

We have had no opportunity to examine financial management of the Diocese and Bishop Dionisije, but a Report of the Control Board of July 15, 1963 indicates it was not proper. Only the audit of financial management of Diocesan property at Shadeland revealed the following irregularities:

(Exhibit XIII—Report of the Control Board of Monastery Holy Virgin at Shadeland, Pa. of July 15, 1963)

Church Parish at Akron, Rev. Emilijan Glocar and Church Parish at Chicago had sent checks to the Patriarchate through Bishop Dionisije, in the total amount of $2,331. Bishop Dionisije had signed these in the name of the Patriarchate and cashed them. According to a Report of the Patriachate's Executive Board of July 19, 1963, Bishop Dionisije has never sent these checks to the Patriarchate, neither has he explained what had happened to them.

(Exhibit XIV—Photocopy of 3 checks signed by Bishop Dionisije, indicating he has cashed them, and a Report by the P. E. Board, certified by American Consulate that the money has not been received)

Bishop Dionisije has also been accused for violations against the church establishment (Par. 214, Art. 1, USPU)

(Exhibit XV—Charge by Rev. Dusan Klipa from Glaerton in the case of Abbot Mitrofan Kresojevic and Rev. Mladen Trbuhovic from San Diego)

From a photocopy submitted by Rev. Dusan Klipa it is clear that Mitrofan Kresojevic, priest of St. Stefan Nemanja Church, had personally admitted that he had been convicted by civil authorities for homosexuality.

This same man has been promoted to a rank of "protosindjel" and later to abbot, and today he is the parish priest at Cincinnati, Ohio.

(Exhibit XV)

Bishop Dionisije had been aware that graduate divinity student Dusan Vavic, presently priest in Trieste, has been suffering from epilepsy and has had been investigated by the police for relationship with an eleven years old girl. In spite of all this Bishop Dionisije ordained him.

(Exhibit No. XVI—Official Report of Rev. Milan Brkic, Bish. Representative in Milwaukee of August 2, 1963)

But, Bishop Dionisije has committed a great number of offenses against church establishment especially after the Holy Episcopal Synod had suspended and indicted him, and ordered him to refrain from any official acts; decision No. 1664/min. 188 of May 10, 1963.

In his Circular of May 25, 1963 Bishop Dionisije announced to clergy and people: "I do not recognize my punishment . . . I do not recognize ban on my official acts."

(Exhibit XVII—Circular of Bishop Dionisije of May 25, 1963)

In Memorandum No. 194 of June 3, 1963, Bishop Dionisije writes to the Holy Assembly of Bishop and the Holy Episcopal Synod: "Acknowledging receipt of your Acts No. 264/min. 188 of May 10, this year, I declare that I do not recognize decision of the Holy Assembly of Bishops and the Holy Episcopal Synod concerning partition of our diocese into three new dioceses; neither do I recognize my suspension or order to refrain from official duties. I shall not relinquish my duties until the Diocesan Church-Peoples Assembly."

(Exhibit No. XVIII—Memorandum of Bishop Dionisije No. 194 of June 3, 1963)

Moreover, Bishop Dionisije has asked, in his Circular on St. Vitus Day in 1963, church parishes in the Diocese to break away from Mother Church: "I welcome under jurisdiction of this Diocese all church parishes from the whole world, which do not want to accept dictate from Belgrade."

(Exhibit No. XIX—Circular published on St. Vitus Day, 1963, titled: "American (illegible word) Serbian Church Triumvirate")

Although himself suspended, Bishop Dionisije on June 7, 1963 suspended Bishop's Assistant Rt. Rev. Firmilian, and on June 12 this year, he suspended Bishop's Representative Rev. Milan Brkic from Milwaukee and Rev. Dusan Klipa from Claerton and added: "I ask all Serbian clergy and parishes to ignore new administrators Rt. Rev. Firmilijan, Rt. Rev. Grigerije and Rev. Stevan Lastavica and to recognize our Diocese, Diocesan Office, and us, who together with the Diocesan Board and Church Court administer this Diocese."

(Exhibit No. XX—Circular by Bishop Dionisije sent to Rt. Rev. Firmilijan and Memorandum of Bishop Dionisije of June 12, 1963)

On June 29, 1963, Bishop Dionisipe issued the following order to Abbot Simeon Grozdanovic at Shadeland:

"Yesterday arrived a new Commission from Belgrade—two bishops, one priest and one archdeacon. We have decided here . . . that they cannot visit neither the monastery or Shadeland . . . They will be looking for a place where they could ordain Rev. Stevan Lastavica into monastic order, so they could later consecrate him bishop. I prohibit his ordination at Shadeland. Therefore, if they appear you are not to open the Chappel or to receive them at all."

(Exhibit No. XXI—Photocopy Bishop Dionisije's Order of June 29, 1963)

During the meeting with the member of the Investigating Commission on July 5, 1963, Bishop Dionisije stated that he stands behind his circulars and statements, which he made before and after decisions of the Assembly of Bishops and the Synod.

(Exhibit No. III—Minutes at "Indian Club" in Libertyville, June 5, 1963)

Of all decisions of the Holy Assembly of Bishops and the Synod Bishop Dionisije has observed only one; he refrained from officiating in churches. On August 2 the same year, on St. Ilija's Day, he had violated even that order and celebrated morning prayer in Monastery of St. Sava in Libertyville.

(Evidence: Exhibit No. XXII—Photograph of Bishop Dionisije, taken on August 2, 1963 by Danilo Simic from Chicago and Statement by Archdeacon Bozidar Tripkovic and Danilo Simic, who on August 2, 1963, participated at morning prayer in the Monastery in Libertyville)

The Investigating Commission could not "interrogate Bishop Dionisije again" as it was ordered by telegram of July 30, because Bishop Dionisije had stated only a day before that he would not meet Bishop Hrizostom in Chicago or in the vicinity of Chicago.

(Exhibit No. XXIII—Statement by Archdeacon Bozidar Iripkovic of August 9, 1963 that Bishop Dionisije did not accepted an invitation for meeting, although was urged to do so by intermediary Rev. Branko Kusenjic from Cleveland)

In submitting this Report about our investigation and all the evidence, we are asking the Holy Episcopal Synod to appoint a prosecutor who will from the enclosed material prepare an indictment.

Exhibits: 23

Faithful to the Holy Episcopal Synod

August 10, 1963, Belgrade

Bishop of Branicevo,
Hrizostom
Bishop of Banat
(signature illegible)

2591
3/16/63

DEFENDANT'S EXHIBIT 243

I certify herewith that the following (10) pen pages are true and correct photocopies of the Minutes of the Holy Episcopal Synod, dated December 10, 1963, and that these copies were made under my supervision and guidance.

The original Minutes is presently in the archives of the Holy Episcopal Synod and under my control.

Belgrade, April 15, 1970

Secretary General
Holp Episcopal Synod
Mladen Mladenovic

(Round Seal)

• • • • •

-412-

MINUTES

51

of the meeting of the Holy Episcopal Synod, December 10, 1963, Belgrade.

Present: President of the Holy Episcopal Synod, AEM and Serbian Patriarch Gherman.

Members: Bishop of Timok Emilijan, Bishop of Sumadija Valerijan, Bishop Zahumsko-Hercegovacki Vladislav, Bishop Rasko-Prizrenski Pavle

Secretary general of the Holy Episcopal Synod Rev. Mladen Mladenovic.

638

After the prayer "King Heavenly" was said, His Holiness Serbian Patriarch Gherman opened the meeting.

Rev. Mladen Mladenovic, Secretary General, reads the Minutes of the 50th meeting of the Holy Episcopal Synod.

After the Minutes were read the Holy Episcopal Synod decides to accept the Minutes without comment and sign it.

639

3714

His Grace Bishop of Mid-West America Firmilijan presents the Report about appointment of bishop's associate, members of the church court and their substitutes, secretary of the Diocese and the legal councelor.

After deliberation the Holy Episcopal Synod decides:

Recognize decision of His Grace Bishop of Mid-West America Firmilijan to appoint: for Bishop's Associate Rev. Milan Brkic from Milwaukee, for members of the Church Court: Rev. Stevan Prostran, parish priest from

Joliet and Miodrag Mijatovic, parish priest from Detroit and Mateja Matejic, parish priest from Monroe and Milan Bajic, parish priest from Kansas City, and for their substitutes, Vojislav Dosenovic, parish priest from Omaha. For the secretary of the Diocese Dusan Popovic, parish priest from Chicago and for Legal Councelor of the Diocese Milan Drobac, attorney from Milwaukee.

640

3781

Secretary General of the Holy Episcopal Synod reports about expenses incurred at consecration of three newly elected bishops in the U.S.A.

After deliberation the Holy Episcopal Synod decides:

Approve the report about expenses incurred during consecration of three newly elected bishops in the U.S.A., a total of 222,909 dinars.

This outlay should be covered by the Holy Episcopal Synod from the deposit: Aid to the Holy Episcopal Synod from Abroad, which is maintained by the Executive Board of the Patriarchate.

• • • • •

646

3760

His Grace Bishop of Zica Vasilije sent with his Memo No. 1344 of 12/5/1963 decision of Commission for Misdemeanors, State Secretariat for Internal Affairs, No. 4590/63 of 9/25/1963, which indicates that fines of Bosko Jovanovic, tavern owner from Cestina, priest Arsenije Lazarevic from Kragujevac and Aleksandar Basaric, farmer from Belosave, were reduced by 50%. So they have to pay I 3,500, II 4,000 and III 3,000 dinars. He asks for intervention in order to avoid any fines for these men.

After deliberation the Holy Episcopal Synod decides:

Send a copy of His Grace Bishop of Zica Vasilije's Memo to the Commission for Religious Affairs together with the decision of the Secretariar for Internal Affairs, which imposed fines for celebrating St. Sava's Day in a tavern in Cestina on Bosko Jovanovic, tavern owner—3,500 dinars; priest Arsenije Lazarevic—4,000 dinars and Aleksandar Basaric, farmer—3,000 dinars, and ask for lenience of the authorities, so the above mentioned do not have to pay any fines, because they did not organize a religious gathering but came to restaurant for lunch.

647

3676

Secretary General of the Holy Episcopal Synod Rev. Mladen Mladenovic reads a Memorandum of His Grace Bishop Dionisije Milivojevic, of 9/18/1963, addressed to the Holy Episcopal Synod:

"Your Holiness,

Hereby I acknowledge receipt of your Memorandum, Holy Ep. Syn. No. 3215/min. 509, Oct. 18, 1963, with the enclosed INDICTMENT of the church prosecutor, His Grace Bishop of Zica Vasilije. This I have received on November 3, 1963, but the Memorandum arrived at the post office in Libertyville on October 31, 1963. The Indictment is type written on 38 pages.

Considering this large material, and as human and divine justice requires, I have to study carefully everything before the trial and before my answer to this Indictment. Therefore, I ask the Holy Episcopal Synod:

1. To grant a continuance for 6 months, 180 days, starting with December 1, 1963.

Rule 19 of the Cartige Council, mentioned by the Holy Episcopal Synod, deals with the date of trial and continuance. This Rule presupposes that the accused bishop lives in the same country. I do not live in the same country, not even on the same continent!

Procedure for courts in the Serbian Orthodox Church, Par. 109, is flexible. Church authority can grant continuance, and I do not renounce the authority of the Holy Assembly of Bishops and the Synod. Consequently, the Holy Episcopal Synod can grant the requested continuance as favor to accused Bishop Dionisije.

Besides, two weeks ago I had an accident with my car. My spine was injured and I am now recovering. I have doctor's certificate and X-Ray negatives to prove this, in case somebody has doubts about this. When I get better and recover ability to move freely, which is essential in gathering material for my defense because I have to go many places, I will prepare a detailed answer to the Indictment.

2. I would like to have certified copies of all the complaints and statements against me, which I am entitled to according to Par. 81 of the old Court Procedure, and Par. 67, Art. 4, of new Court Procedure. According to the same paragraphs I shall bear all expenses for these copies.

I authorize three priests to make copies, Kosta Lukovic, Dusan Vasic and Milisav D. Protic. Find enclosed my authorization, which I ask you to send to them.

In case if they refuse to do this, for any reason, I shall find someone else to do it. This could also be done in office of the Holy Ep. Synod, on one condition, that not a single line be omitted. In case that the Synod's office prepare the copies, I am likewise ready to bear all the expenses.

Very truly yours, Bishop Dionisije

Regarding requests mentioned in this Memorandum, which were the subject of discussion at the previous meeting of the Holy Episcopal Synod, and because that discussion reflected different opinions, it has been decided, in accordance with Par. 68, Constitution of the Serbian Orthodox Church, to invite at present meeting the following persons to express their expert opinion:

Dr. Sergije Trojicki, retired university professor,

Rev. Dr. Gardasevic, professor at Church Law at the Seminary, Belgrade, and,

Rev. Zivan Stefanovic Referent of the Holy Episcopal Synod and jurist, graduated from the University of Belgrade.

These persons should present before the Holy Episcopal Synod to expertly elaborate on following questions:

1. What is the canonical procedure for trial of a bishop, and

2. Is the request of accused Bishop Dionisije to review copies of all the evidence, which was used to prepare indictment against him, compatible with canonical rules.

Secretary General reports that he had invited all these persons, that professor Sergije Trojicki excused himself on account of his illness, while two other persons are here.

His Holiness Serbian Patriarch Gherman asks that they should come in and it was done.

His Holiness Serbian Patriarch Gherman explained to these persons why they are invited to the meeting of the Holy Episcopal Synod and asked them to present their expert opinions and this was done.

During the testimony it was getting late so His Holiness Serbian Patriarch Gherman adjourned the meeting at 12:30 and set 4 p.m. the same afternoon as time for conclusion of the meeting.

At 4 p.m. the meeting was resumed.

Present are His Holiness Serbian Patriarch Gherman and all members of the Holy Episcopal Synod.

648

3779

Before resuming the meeting of the Holy Episcopal Synod, His Holiness Serbian Patriarch Gherman announced that he has just received information that His Grace Metropolitan of Budim has passed away on 12/10/1963 at 1:30 in a hospital in Belgrade.

His Holiness Serbian Patriarch Gherman asks members of the Holy Episcopal Synod to pray for soul of the late Metropolitan Arsenije. All Bishops say prayer "All Just Souls" . . .

Secretary General of the Holy Episcopal Synod Rev. Mladen Mladenovic presents the last will of the late Metropolitan Arsenije, which was kept in the office of the Holy Episcopal Synod.

His Holiness Serbian Patriarch Gherman examines the last will, and after he has ascertained it was properly sealed, he opens it and reads.

In the envelope was found the last will of the late Metropolitan Arsenije, in his own hand writing and signed by him on 4/1/1963 at Belgrade, and in two identical copies.

The last will was read by Rev. Mladen Mladenovic and it was attached to this document.

After deliberation the Holy Episcopal Synod decides:

Take note of His Holiness Serbian Patriarch Gherman's announcement that His Grace Metropolitan of Budin Arsenije has passed away on 12/10/1963 at 1:30, in a hospital in Belgrade.

Send telegram to all bishops and ask them to celebrate masses for soul of the late Metropolitan Arsenije.

In accordance with Par. 70, Art. 20, Constitution of the Serbian Orthodox Church, appoint His Holiness Serbian Patriarch Gherman as administrator of this vacated dio-

cese, entrust him with the last will of the late Metropolitan Arsenije and ask him to make arraignments for his funeral and execution of the last will.

Inform all bishops and office of the Diocese for Budin about the death of Metropolitan Arsenije and appointment of the administrator.

• • •

Discussion about requests of His Grace Bishop Dionisije was resumed. This was a topic of the meeting in the morning, No. 3676/min. 647, and expert testimony was presented.

After a long discussion the Holy Episcopal Synod decides:

1. In accordance with Rule 19 of the Cartige Council accused Bishop Dionisije Milivojevic is granted one month continuance, in order to enable him to prepare a written answer for the Holy Episcopal Synod, in connection with his indictment. Continuance shall commence at the time when he receives this decision.

2. Request of accused Bishop Dionisije Milivojevic for copies of the evidence used in the indictment is denied, because no canonical or other legal rules provide for such procedure. Moreover, his indictment contains description of important elements of evidence, such as time, place and manner of offenses.

President of the Holy Episcopal Synod
AEM and Serbian Patriarch
Gherman

Members:

Bishop of Timok (signature illegible), Bishop of Sumadija Valerijan, Bishop Zahumsko-Hercegovacki Vladislav, Bishop Rasko-Prizrenski Pavle.

Secretary General of the
Holy Episcopal Synod
Rev. M. Mladenovic

DEFENDANT'S EXHIBIT 249

I hereby certify that the following (11) eleven pages are authentic and correct photostatic copies taken (filmed) under my supervision and instruction, from the original minutes of the Holy Council of Bishops of July 27 (14), 1963.

The original minutes are kept in the archives of the Holy Synod of Bishops under my control.

April 15, 1970
Belgrade
Supreme Secretary
Holy Synod of Bishops
Mladen Mladenovic, signed
Archpriest

Minutes

2

of the meeting of the special session of the Holy Council (Round Seal) Bishops held on July 27 (14), 1963 in the Patriarchal palace in Belgrade, under the presidency of His Holiness Serbian Patriarch Sir Gherman.

Present at the meeting are all the Diocesan Bishops, except Metropolitan of Budim Sir Arsenije, Bishop of Branichevo Hrizostom and the Bishop of Eastern America and Canada Sir Stefan.

The minutes of today's meeting were taken by His Grace Bishop of Sabac and Valjevo Sir Jovan.

5

After the reading of the prayer "O Heavenly King" His Holiness Serbian Patriarch Gherman opens the meeting at 9:00 o'clock a.m.

Secretary of the Holy Council of Bishops His Grace Bishop of Dalmacia Sir Stefan reads the minutes of the first meeting of the special session of the Holy Council of Bishops.

The minutes were accepted without any remarks and signed.

6

Before proceeding in the daily agenda H. Holiness reports to the Holy Council of Bishops of the dreadful tragedy of the earthquake that happened in Skoplje, in which a great number of citizens were killed. He calls the members of the Holy Council of Bishops to pray to God for the souls of the "victimized servants of God" in Skoplje.

The members of the Holy Council of Bishops in deep piety stood and sang "memory eternal."

His Holiness proposes that the Holy Council of Bishops sends a telegram of condolence to the president of the Socialist Republic of Macedonia Vidoje Smilevski, which contained the following:

"Holy Council of Bishops of the Serbian Orthodox Church gathered at its special session in Belgrade, deeply shaken of the tragedy which occurred in the city of Skoplje, expresses its whole hearted condolence praying to God for the souls of the victims.

President
Holy Council of Bishops
AEM and Serbian Patriarch
Gherman."

7

While signing the minutes of the preceeding meeting His Holiness Serbian Patriarch Sir Gherman informs Holy Council of Bishops what has been done for opening some classes in the Seminary of St. Sava in Sremski Karlovci.

8

Afterwards His Holiness suggests that the report of the commission of Holy Council of Bishops be read of whose duty it was to investigate the case of His Grace Bishop

Dionisije. His Grace Bishop of Dalmacia Sir Stefan reads the report of the commission as follows:

"The commision composed by the Holy Council of Bishops at the afternoon meeting on the day of July 26, 1963 examined the material in regard to the work of His Grace Bishop Dionisije after his suspension and constitutes:

1. That Bishop Dionisije received the decisions of the Holy Council of Bishops and Holy Synod under Synod number 1664 / minutes 188 of his removal from the Diocese, which is clearly seen by his answers sent to Holy Synod and to other church institutions and other official persons in America;

2. That he does not recognize these decisions, and continues to function as the Diocesan Bishop;

3. That he does not recognize the Court of the Holy Synod of Bishops and that he puts the church-lay sabor above the Holy Council of Bishops and Synod;

4. That he refused, as suspended, to give up his duties to the newly appointed administrator (letter of Bishop Dionisije to "Plenum" of June 6, 1963);

5. In his letter number 194 of June 3, 1963 he confirms the receipt of the letter Synod number 1664/minutes 188 and declares, that he does not recognize the decision of the Holy Council of Bishops and Synod of the division of this one Diocese into three new dioceses; nor his suspension and removal to administer the diocese, niether is he willing to give up his duty to the appointed administrator;

6. That with his circular of June 12, 1963 called all clergy and all church-school communities not to obey the orders of the administrators of the three new dioceses which appointed Holy Synod of Bishops;

7. Although he was canonically suspended, he calls clergy and people not to receive the investigating commis-

sion of the Holy Synod of Bishops, to which he forbids to travel throughout the diocese and to serve;

8. That he does not recognize the court's jurisdiction of the Holy Synod of Bishops, but only the court of the people there (circular of 6-28-1963);

9. That with his second circular under the heading "American-Canadian Serbian church triumvirate" of June 28, 1963 in which Bishop Dionisije states verbatim: "I am calling to all Serbs in the world to stand with us together in this sacred Serbian national fight.

I am accepting under the protection of this diocese, all church communities from the entire world, who do not wish to submit themselves to Belgrade, and to pro-Tito decisions of Patriarch Gherman and to the unlawful decisions of the Holy Council of Bishops;"

10. Although he is suspended and under prohibition, Bishop Dionisije with his letter of June 7th, 1963 absolves archimandrite Firmilijan of his duties as Bishop's vicar, because of his obedience to the decisions of the Holy Synod of Bishops;

11. Also with his letter of June 7, 1963 he proceeded the same with Very Reverends Miodrag Mijatovich and Miodrag Djurich, because the agreed with the position of archimandrite Firmilijan; and

12. That with his letter of June 14, 1963 even tho under suspension he absolved Very Rev. Dusan Klipa of his duties as Bishop's vicar, because he obeyed the decision of the Holy Synod of Bishops, etc.

In regard to all the above mentioned the Commission established, that the case appeared in totality from article 111 in connection with the article 104, section 1 and 4 of the Constitution of the Serbian Orthodox Church and suggests to the Holy Council of Bishops for the decision the following:

"Holy Council of Bishops of the Serbian Orthodox Church establishes, that His Grace Bishop Dionisije trampled his Episcopal oath and lost the benefits from article 104, section A and G of the Constitution of the Serbian Orthodox Church forseen for the position of the Diocesan Bishop, and on the basis of the article 111 of the Constitution of the Serbian Orthodox Church, absolves him of the duties as the Diocesan Bishop, and the Diocese of Midd-Western American proclaims vacant."

Belgrade
July 27, 1963

Members of the commission:
Metropolitan of Montenegro, Danilo
Bisop of Sumadija, Valerijan
Bishop of Zica, Vasilije
Bishop of Banat, Visarion."

After the letter has been read the floor is taken by His Grace Bishop of Raska-Prizren Sir Pavle and says, that toward Bishop Dionisije we aught to refer in the spirit of the lawful regulations of our Church. He thinks that the suggested decision of the commission is prematured, and it would be necessary to wait peacefully until Bishop Dionisije's canonical faults are confirmed, because of which the Holy Synod of Bishops placed him under court and prohibition.

In regard to this question a discussion took place in which participated His Grace Bishop of Zica Sir Vasilije, Bishop of Banat Sir Visarion, Bishop of Gornji Karlovac Sir Simeon and Bishop of Dalmacia Sir stefan.

After the discussion His Holiness Serbian Patriarch Sir Gherman proposes a vote be taken because in regard to this question a unity was not achieved. He proposes a vote "for" or "against" of the proposed report of the commmission. Upon the execution of the voting His Holiness Serbian Patriarch Sir Gherman announces that for the proposal of the commission voted 14, against 2 and 2 blan ballots.

His Holiness Serbian Patriarch Sir Gherman makes this known to the Holy Council of Bishops and proclaims that the proposal of the commission is accepted.

9

Afterwards His Holiness Serbian Patriarch Gherman says, that with this we finished only one part of the job. In order to complete the matter he proposes that the two newly created dioceses: Midd-Western American and Western American be filled by electing two Bishops.

Asking for the floor is His Grace Bishop of Raska—Prizren Sir Pavle and says:

"When the Episcopal oath is in question, and reads only that part of this oath which obligates all Bishops to obey canons and to respect the same. He cites the rules of the echumenical and regional councils and rules of the holy fathers that a person with sin cannot be consecrated.

His Holiness adjourns the meeting and asks the members of the Holy Council of Bishops to proceed in the Patriarchal church for the invokation of the Holy Spirit as is customary before the election of a Bishop.

After the service of invoking the Holy Spirit His Holiness Patriarch states that before the members of the Council lays important and serious task. Let us pray to God to help us so that we will bring forth a correct decision. He says, even on the past session of the Holy Council of Bishops a question was raised to elect new Bishops, but then it was not solved. From then up till today many things happened that the situation imposes upon us to solve this question by all means. I myself hesitated for a long time, thought and prayed to God to help me, and at the end I came to the conclusion which I now wish to announce. What I am doing I do on the basis of my conscience, and I am conscientious of my respinsibilities before the Serbian Orthodox Church, Serbian people and St. Sava.

I am proposing that for the two newly created American dioceses, be elected archimandrite Firmilijan Ocokoljich and archimandrate Gregory Udicki. If brother Bishops agree with this I am proposing that this be accepted as an unanimous decision.

Therefore, this proposal that these two candidates to be elected for Bishops was not accepted unanimously and in regard to that a discussion took place.

In the discussion participated the following:

Metropolitan of Zagreb Sir Damaskin, who is of the opinion that the proposal of the Serbian Patriarch Sir Gherman should be accepted;

His Grace Bishop of Raska—Prizren Sir Pavle says, according to his opinion this proposal is unacceptable, and brings forth his reasons;

Also in the discussion are participating His Grace Bishop of Zica Sir Vasilije, Bishop of Backa Nikanor and Bishop of Zahum—Hercegovina Sir Vladislav

Therefore, there exists different views.

His Holiness Patriarch proposes that there be a vote in regard to this question and for the Midd-Western American Diocese proposes the following candidates: archimandrite Firmilijan Ocokoljich, archimandrite Domentijan Pavlovich, professor of the Seminary in Prizren and protosingelos Milutin Stojadinovich, professor of St. Sava Seminary in Belgrade.

After the execution of the secret balloting His Holiness announces that for archimandrite Firmilijan Ocokoljich voted 17, for archimandrite Domentijan 1 and 4 blank ballots.

His Holiness Serbian Patriarch Gerhman stands and announces that for Midd-Western American Diocese was elected archimandrite Firmilijan Ocokoljich.

10

His Holiness Serbian Patriarch Gherman proposes that the newly created Western-American Diocese be filled for which he nominates the following persons: archimandrite Gregory Udicki, archimandrite Domantijan Pavlovich and protosingelos Milutin Stojadinovich.

After the execution of the secret balloting His Holiness announces that for archimandrite Gregory Udicki voted 20, and 2 blank ballots.

His Holiness Serbian Patriarch Gherman announces that for the Western American Diocese is elected archimandrite Gregory Udicki.

11

His Holiness Serbian Patriarch Gherman proposes that this Council discuss other important problems and questions, for example, of acceptance of new students in Seminaries. Proposes that the Diocesan Bishops receive a greater number of students for the Seminary, then is allowed by the quota of the Holy Synod of Bishops, and these students which make up number that is over the quota, be placed in the monastery as private students until space can be made, at which time they will be transferred back to the Seminary.

In regard to this question a discussion took place in which participated His Grace Bishop of Banat Visarion, His Grace Bishop of Nish Jovan, His Grace Bishop of Zvornik—Tuzla Longin, His Grace Bishop of Gornji Karlovci Simeon, His Grace Bishop of Dalmacia Stefan, His Grace Bishop of Zica Vasilije, Metropolitan of Zegreb Damaskin, Metropolitan of Montenegro and Costal Region Danilo, His Grace Bishop of Raska—Prizren Pavle, His Grace Bishop of Slavonia Emilijan and His Grace Bishop of Sabac—Valjevo Jovan.

After the completion of the discussion the Holy Council of Bishops resolves:

To recommend to the Holy Synod of Bishops to work energeitcally to materialize the decisions of the Holy Council of Bishops of May 1964 for opening new classes in the St. Sava Seminary in Sremski Karlovci.

12

His Holiness Serbian Patriarch Sir Gherman proposes that it would be necessary to send an Epistle to the clergy and people in the U. S. A. and Canada with the signatures of all members of the Holy Council of Bishops.

After the short discussion in regard to this, the Holy Council of Bishops brings forth this decision:

To indebt the Holy Synod of Bishops to compose an epistle in the shortest time which would explain to the people and clergy of the U.S.A. the last decisions of the Holy Council of Bisops, which pertains to the life of the Church there.

13

His Grace Bishop of Sabac—Valjevo Sir Jovan states that he was pleasantly surprised by the humble approach of the president of the Federal Religious Commission, Mr Moma Markovich during the past session of the Holy Council of Bishops, about the completion of the St. Sava Church in Vrachar. In the meantime, during the month of June "Evening News" published an article under a large heading, in which was stated the plans that the Church of St. Sava be converted into a theater for Summer plays, and in winter for skating. On July 25 of this year the same paper printed again another article stating that on the platform of St. Sava Church, a people's library will be built. These arteiles, says Bishop Jovan, caused great comments and bitterness among the faithfuls. He thinks, that the Holy Council of Bishops should not be

indifferent towards this, but to take an energetic interest, even if it is necessary to intercede to the president of the Republic, that the property of the St. Sava Church in Vrachar be returned to the Serbian Orthodox Church, and the work of building of the church be continued.

After a long discussion in regard to this question the Holy Council of Bishops resolves:

To obligate the Holy Synod of Bishops to take energetic action in the State Government for returnig the property of St. Sava Church and to ask permission for the completion of St. Sava Church in Vrachar.

14

His Grace Bishop of Backa Sir Nikanor states that the president of the church community in Trieste D. Vurdelja, issued a pamphlet "Saopstenje", by which he slanders the name of Serbian Patriarch Sir Gherman, Holy Council of Bishops and other priests of the Serbian Orthodox Church. He proposes that a penal action be taken against Mr. Vurdelja.

His Holiness Patriarch thinks that this question be postponed because of the tactical reasons.

Holy Council of Bishops accepts this reason.

15

His Grace Bishop of Sabac—Valjevo asks His Holiness Patriarch to explain wheather the deprture of the Macedonian Metropolitan Sir Dositej in the U. S. A. was with his knowledge and blessings, and waht was the purpose of this journey?

His Holiness Patriarch answers neither Holy Synod nor he gave permission to Metropolitan Dositej for departure to the U.S.A., nor he was officially notifies of this.

After his return from the celebration of the 1000 years of Mount Athos, His Holines says, I heard from Metropolitan Dositej that he has to go to the U.S.A. for the

concecration of the new church in Gary. As soon as I arrived in Belgrade I verbally informed the Religious Commission and begged that the departure of Metropolitan Dositej to the U.S.A. be stoped by all means, because he will spoil our situation there and cause a great damage

The president of the Federal Religious Commission promised that he would examine this case. Later, once again I raised this question in the Federal Religious Commission, and their reply was, sorry, we cannot help you in that, because Metropolitan Dositej already has departed to the U. S. A. On his journey to America, he passed through Belgrade and did not report to us. From private sources we heard that Metropolitan Dositej stayed in some hotel here in Belgrade.

After the discussion in regard to this question, the Holy Council of Bishops resolves:

To ask His Holiness Serbian Patriarch Sir Gherman to gather informations from the U. S. A. of Metropolitan Dositej's stay and his work there, and to see whether his stay brought damages to the interest of the Serbian Orthodox Church.

16

His Holiness Serbian Patriarch Sir Gherman announces that with this the daliy agenda is ended and the work of this special session of the Holy Council of Bishops has been concluded.

After they sang the troparion of St. Sava His Holines Serbian Patriarch Sir Ghernan thanked all the present Diocesan Bishops and concludes the special session of the Holy council of Bishops at 13:05 p. m.

President
Holy Council of Bishops
AEM and Serbian Patriarch
+Gherman, signed

Members:

Metropolitan of Zagreb, Damaskin, signed
Metropolitan of Dabro—Bosnia Nektarije, signed
Metropolitan of Montenegro Danilo, signed
Bishop of Timok Emilijan, signed
Bishop of Nis Jovan, signed
Bishop of Sumadija Valerijan, signed
Bishop of Srem Makarije, signed
Bishop of Backa Nikanor, signed
Bishop of Zica Vasilije, signed
Bishop of Banat Visarion, signed
Bishop of Slavonia Emilijan, signed
Bishop of Zvornik—Tuzla Longin, signed
Bishop of Gornji Karlovci Simeon, signed
Bishop of Zahum—Hercegovina Vladislav, signed
Bishop of Raska—Prizren Pavle, signed
Bishop of Banja Luka
Bishop of Dalmaci Stefan, signed
Bishop of Sabac—Valjevo Jovan, signed

DEFENDANT'S EXHIBIT 250

I hereby certify that the following (7) seven pages are authentic and correct photostatic copies taken (filmed) under my supervision and instruction, from the original minutes of the Holy Council of Bishops of July 26 (13), 1963.

The original minutes are kept in the archives of the Holy Synod of Bishops under my control.

April 15, 1970
Belgrade
Supreme Secretary
Holy Synod of Bishops
Mladen Mladenovic, signed
(Round Seal)

M i n u t e s

1

of the meeting of the special session of the Holy Council of Bishops held July 26, 1963 in the Patriarchal palace in Belgrade, under the presidency of the Serbian Patriarch Sir Gherman.

After the completion of the service of invoking the Holy Spirit in the Patriarchal church, which was performed by His Grace Bishop of Slavinia Sir Emilijan, with the assistance of one archimandrite, one archpriest and one deason, they proceeded to the hall for meetings of the Holy Council of Bishops.

Present are the following Diocesan Bishops: Metropolitan of Zagreb Sir Damaskin, Metropolitan of Dabro-Bosnia Sir Nektarije, Metropolitan of Montenegro and Costal Region Sir Danilo, Bishop of Timok Sir Emilijan, Bishop of Nish, Sir Jovan, Bishop of Sumadia Sir Valerijan, Bishop of Srem Sir Makarije, Bishop of Backa Sir Nikanor, Bishop of Zica Sir Vasilije, Bishop of Banat Sir Visarion, Bishop of Slavonia Sir Emilijan, Bishop of Zvornik-Tuzla Sir Longin, Bishop of Gornji Karlovac Sir Simeon, Bishop of Zahum-Hercegovina Sir Vladislav, Bishop of Raska-Prizren Sir Pavle, Bishop of Banja Luka Sir Andrej, Bishop of Dalmacia Sir Stefan and Bishop of Sabac-Valjevo Sir Jovan.

Absent are Metropolitan of Budim Sir Arsenije, Bishop of Branichevo Sir Hrizostom and Bishop of Eastern America and Canada Sir Stefan

The minutes were taken by His Grace Bishop of Dalmacia Sir Stefan.

His Holiness Serbian Patriarch Sir Gherman opens the special session of the Holy Council of Bishops at 9:30 a.m. and greets all present Diocesan Bishops.

His Holiness says, the sole fact that this is a special session, imposes the tought that this meeting has a great significance. He asks of all the present Diocesan Bishops to approach the importance of the work of this meeting by "eliminating all wordly thoughts," to elevate ourselves to the highest ideals and to seek only that which is of the highest interest of our holy Church and Fatherland. He expresses his belief that all will follow his suggestion and so will work together with him. He prays to God and St. Sava to protect the Serbian Orthodox Church now as before.

1

Afterwards His Holiness suggests the daily agenda for the present meeting:

Proposal of the delegation of the Serbian Orthodox Church from the U.S.A. as it was said in the invitation for this Council

Before we proceed on the daily agenda His Holiness announces:

1) The report of their Graces Bishop of Branicevo Sir Hrizostom and Bishop of Banat Sir Visarion, of the consecration of the newly appointed Bishop protosingelos Stevan Lastavica on July 13 (June 30) 1963 in Aliquippa, USA.

2) Letter from His Grace Bishop of Branicevo Sir Hrizostom that he is unable to attend the special session of the Holy Council of Bishops and his vote he entrusts to the Bishop of Sumadija Sir Valerijan.

3) Letter from the Metropolitan of Budim Sir Arsenie that because of his illness he is unable to attend the special session of the Holy Council of Bishops and his vote he entrusts to Metropolitan of Montenegro and Costal Region Sir Danilo, and

4) Letter from His Grace Bishop of Eastern American and Canadian Diocese Sir Stefan that he is unable to participate in the work of the Holy Council of Bishops and his vote he entrusts to H. H. Serbian Patriarch Sir Gherman.

The Holy Council of Bishops takes into acknowledgment this informations.

Afterwards they pro proceeded on the daily agenda.

2

His Holiness the Patriarch gives the floor to His Grace Bishop of Banat Sir Visarion who verbally submits the report of the consecration of His Grace of the Eastern American and Canadian Diocese Sir Stefan and of his meeting with His Grace Bishop Dionisije. Bishop of Banat Sir Visarion tells that the delegation had numerous incidents and difficulties after their arrival in the U. S. A. so that the question was raised where and how to perform the consecration of the newly appointed Bishop Sir Stefan. He says, that the majority of the priests and people are for the decisions of the Holy Council of Bishops, and one small group og immigrants with Drashkovich at the head declared themselves against the decisions of the Council and tryed to avert the consecration of Bishop Stefan and the resolution of the decisions of the Holy Council of Bishops. Very Rev. Vlastimir Tomich from Aliquippa, organized the consecration in Aliquippa where he is the parish priest. The consecration was performed on July 13, 1963 in the presence of a great number of faithfuls in a very festive way. A small group of the Draskovich people did not succeed in averting the consecration. After the consecration of Bishop Stefan a very festive banquet was given in the premises of a school at which attended 500 persons. At the banquet a general satisfaction and harmony was shown among the Church and national or-

ganizations in regard to the decisions of the Holy Council of Bishops. Newly appointed Bishop Stefan very succesfully presented himself to the people and clergy. Bishop of Banat Sir Visarion points out, that the Serbian Orthodox Church received, in the person of Bishop Stefan a diligent and worthy Bishop.

3

As soon as the delegation arrived in the U. S. A. it tried to make contact with Bishop Dionisije. After some difficulties in trying to arrange a meeting with him, the meeting was held on July 5th of this year in Libertyville. Because His Grace Bishop Dionisije didn't agree that the meeting be held in the monastery of St. Sava, he suggested that the meeting be held in the "Indian Club". Bishops-delegates of the Holy Synod of Bishops had some dificulties, because Bishop Dionisije tried to avoid submission to the hearing and evaded in all possible ways his matter, asking that all charges be submitted to him and he will give written reply on the same. Because he agreed a minutes be made he declared that he remain on all his former declarations and decisions, before and after the session of the Holy Council of Bishops and that the decisions of the Holy Council of Bishops and Synod of the division of the American-Canadian Diocese and the decisions that pertains to him personally he does not recognize. At the end he refused to sign the minutes of the hearing.

Bishop of Banat Sir Visarion further informs the Holy Council of Bishops, that the majority of the clergy and people in the U. S. A. extends their support to the decisions of the Holy Council of Bishops and Synod, as do the other Orthodox Churches and the Anglican Church. He says, that Bishop Dionisije tries in all possible ways to remain in power and to avert the realization of the Council's decisions. The situation is very difficult for the clergy, because there are cases when some church congregations

fired their priests. He proposes that Bishop Dionisije be taken from the position of active Bishop and be put on pension; to fill the two newly created Dioceses and to the three new Bishops be given the possibility for full independence to organize a Church life in their entrusted Dioceses. He considers that after this the life of the Serbian Orthodox Church in the U.S.A. will be normalized.

4

Afterwards His Grace Bishop of Banat Sir Visarion reads the following documents:

1) The letter of Bishop Dionisije to archimandrite Mr. Firmilijan Ocokolich of June 7th, 1963;

2) The letter of Bishop Dionisije of June 6, 1963 to Diocesa Council of the Diocese of America and Canada

3) The Letter of Bishop Dionisije to His Holiness Serbian Patriarch Gherman and to all Diocesan Bishops of June 3, 1963;

4) Circular of Bishop Dionisije so called "For Liberty of the Serbian Orthodox Church" of June 3, 1963;

5 The circular of Bishop Dionisije to all clergy and people of June 4, 1963;

6) The circular of Bishop Dionisije "For the church rights of the free Serbian immigration and of the American and Canadian Serbs" of June 12, 1963;

7) The circular of Bishop Dionisije of July 15, 1963;

8) The statement of Dr. Uros Seferovich, Vice president of the Diocesan Council, in regard to the call of the Diocesan Council;

At 12:10 p.m. His Holiness Patriarch adjourns the meeting, and calls for continuation of the same at 5:30 p.m.

Exactly at 5:30 p.m., after the prayer "O Heavenly King", His Holiness opens the meeting.

It continues with further reading of documents which started at the morning meeting.

The following documents are read:

9) The circular letter of Executive Board of Priests Association—to priesthood of American and Canadian Diocese of July 18, 1963;

10) The letter of V.Rev. Miloje Nikolich, parochial priest and Bishop's Deputy from London to Bishop of Branicevo Sir Chrisostom of July 8, 1963;

11) The letters of Bishop Sir Dionisije to V.Reverends Miodrag Mijatovich, Miodrag Djurich, Milan Brkich and archimandrite Firmilian Ocokoljich of June 7, 1963;

12) Three letters of Bishop Dionisije to V. Rev. Dusan Klipa of June 13 and 14, 1963, and to Executive Board of Priests' Association of June 14, 1963;

13) The letter of Nebojsa Mandich from Chicago of July 5, 1963;

14) The statements of Triso Simich and archimandrite Firmilian Ocokoljich of July 15, 1963;

and 15) The letter of Rev. Vladimir Milinkovich with statements of his wife of July 18, 1963.

After this His Grace Bishop of Banat Sir Visarion reads the report and proposal of delegation sent to Holy Bishops Synod of July 20, 1963.

On the motion of His Grace Bishop of Raska-Prizren Sir Pavle there was read the occusation of Bishop Dionisije against the work of investigating commission of July 11, 1963.

His Grace Bishop of Zahumlje-Hercegovina Sir Vladislav asks that the report is read with proposals of administrators: archimandrite Firmilian Ocokoljich, archimandrite Gregary Udicki and V.Rev. Stevan Lastavica of June 10, 1963, sent to Holy Bishops Synod immediately after the receipt of decisions of Holy Bishops Assembly. It is established that this report is not found in the archive for the delegation took it wit them to U.S.A. and it isn't returned up to day.

His Grace Patriarch finally proposes that a commission should be organized which would study the entire subject and submit a report and proposal to Holy Bishops Assembly.

Assembly accepts the proposal and His Holiness proposes the following as members of Commission: His Grace Metropolitan of Crna Gora-Primorje Sir Danilo, His Grace Bishop of Sumadija Sir Valerijan, His Grace Bishop of Zica Sir Vasilije and His Grace Bishop of Banat Sir Visarion.

Assembly accepts even this proposal.

At 7:05 p.m. His Holiness Patrirch adjourns the afternoon's meeting and next one calls for July 27th, 1963, at 9 a.m.

President
of Holy Bishops Assembly
+AEM and Serbian Patriarch
GHERMAN

Members:
Metropolitan of Zagreb, Damaskin
Metropolitan of Dabar-Bosnia,
Metropolitan of Crna Gora-Primorje,
Bishop of Timok, Emilian
Bishop of Nis,
Bishop of Sumadija,
Bishop of Srem, Makarije
Bishop of Backa,
Bishop of Zica,
Bishop of Banat,
Bishop of Slavonija,
Bishop of Zvornik-Tuzla,
Bishop of Gornji Karlovac,
Bishop of Zahumlje-Hercegovina,
Bishop of Raska-Prizren, Pavle
Bishop of Banja-Luka,
Bishop of Dalmatia,
Bishop of Sabac-Valjevo,

DEFENDANT'S EXHIBIT 254

I certify herewith that the following (8) eight pages are true and correct copies of the Minutes of the Holy Assembly of Bishops dated March 5 (February 21) 1964, and that these copies were made unded my supervision and guidance.

The original Minutes is presently in the archives of the Holy Episcopal Synod and under my control.

Belgrade, April 15, 1970 Secretary General
Holy Episcopal Synod
Rev. Mladen Mladenovic

(Round Seal)

MINUTES

VI

of the regular meeting of the Holy Assembly of Bishops on March 5 (February 21) 1964 in the Patriarchate in Belgrade. Chairman: His Holiness Serbian Patriarch Gherman.

All the bishops participated at this meeting except East-American and Canadian Bishop Stefan and Mid-West Ameircan Bishop Firmilijan and West-American Bishop Grigorije.

The minutes at this meeting were taken by His Grace Bishop of Dalmatia Stefan.

34

After prayer "Heavenly King" was said, His Holiness Serbian Patriarch Gherman oppened the meeting at 9 o'clock.

When asked by the chairman the secretary of the Holy Assembly of Bishops His Grace Bishop of Sabac Jovan reads the minutes of the V meeting of the Holy Assembly of Bishops.

The minutes is accepted without a comment and signed.

35

His Holiness Patriarch Gherman suggested the following agenda:

1. Report about non-canonical consecretion of Rt. Rev Irinej Kovacevic (AS No. 2/964), and
2. Discussion about offenses of His Grace Bishop Dionisije Milivojevic.

The Holy Assembly of Bishop accepts the suggested agenda.

36

AS No. 13

Before starting with the agenda, His Grace Bishop of Branicevo Hrizostom reads his report of March 5, 1964, in connection with an article which appeared in the daily "Politika" today, titled: "Monastery Manasija will become a concert hall".

After this report was read His Holiness Serbian Patriarch Gherman suggests that a decision should be reached now, rather than sending the matter to an appropriate committee.

The Holy Assembly of Bishops accept this suggestion and passes the following decision:

In connection with an article in the daily "Politika" of March 5, 1964, titled: "Monastery Manasija Will Become A Concert Hall", send a memorandum to the Federal Commission for Religious Affairs and strongly demand that the Tourist Association is not permitted to use the monastery as a concert hall.

37

AS No. 2

The Holy Episcopal Synod has submitted a Report, No. 3861 from 1963/min. 79 of February 25, 1964, prepared by His Grace East-American and Canadian Bishop Stefan about non-canonical consecreation of Rt. Rev. Irinej Kovacevic.

In connection with yesterdays discussion about this subject the Holy Assembly of Bishops passes the following decision:

1. The Holy Assembly of Bishops has found that the so called "Church Peoples Assembly", which took place from November 12 to November 14, 1963, in Libertyville (U.S.A.) is *illegal,* because it is contrary to Par. 16 and 22

of the Constitution of the Serbian Orthodox Diocese for the United States and Canada—Bishop Dionisije participated and presided although he was rightfully suspended by the Holy Assembly of Bishops, ASNo. 42/min.2 of July 27, 1963, in connection with Par. 111 and 104, art. a) and g), Constitution of the Serbian Orthodox Church

II The Holy Assembly of Bishops declares that the so called "election" for "auxiliary bishop" of Rt. Rev. Irinej Kovacevic, which took place at that assembly is *non-canonical, contrary to Constitution* and *nil,* because apostolic rule 1 and 4 of I Ecumenical Council prescribes that bishops are elected by Council of Bishops. Par. 105 of Constitution of the Serbian Orthodox Church states that *"diocesan and vicar bishops are elected by the Holy Assembly of Bishops under chairmanship of the Patriarch"*, and, Par. 9 of Constitution of the Serbian Orthodox Diocese for United States and Canada states that *"bishops in the United States and in Canada are appointed by the Holy Assembly of Bishops of the Serbian Orthodox Church."*

III Also, the Holy Assembly of Bishops declares that the so called "consecration" of Rt. Rev. Irinej Kovacevic for bishop, assisted by two self-styled Ukrainian "bishops", in Libertyville on December 7, 1963. These two bishops are not recognized by any Orthodox church. All his oficial acts are nil.

The bishop in charge is instructed to initiate a court action against Rt. Rev. Irinej Kovacevic.

IV Decisions of the Libertyville assembly of November 1963 to break away from the Mother Church and this non-canonical "consecretion", which was done by the people who together with Bishop Dionisije did not even allow Serbian clergy to perform religious services. Thereby for the first time in history a group of Serbian sons created

a schismatic organization, which inflicted a horrible wound in the body of the martyred St. Sava's Orthodoxy and broke away from one, holy and apostolic Church.

V All autochepalous orthodox churches shall be informed of this decision of the Holy Assembly of Bishops.

33

ACNo. 1

The Holy Episcopal Synod by its act No. 357/min. 78 of February 25, 1964, presents the case of His Grace Bishop Dionisije Milivojevic.

His Grace Bishop of Sumadija Valerijan reads the report of Legal Committee and an act of the Holy Episcopal Synod No. 357/964, which shows that the Holy Episcopal Synod has exhausted its authority from Par. 70 Art. 35/b of Constitution of the Serbian Orthodox Church, and the whole case of the accused Bishop Dionisije Miliovojevic presents to the Holy Assembly of Bishops. The Holy Episcopal Synod asks for a final verdict based on 6 rules of the II Ecumenical Council, 14 and 15 rules of the Antioch Council, rule 12 of the Cartige Council and Par. 7 and 69, Art. 27/B Constitution of the Serbin Orthodox Church.

After hearing, the Holy Assembly of Bishops, decides:

Recommendation of the Holy Episcopal Synod and the Legal Commission that the Holy Assembly of Bishops at its plenary meeting pronounces a final verdict in regard to the offenses of His Grace Bishop Dionisije Miliovojevic, according to canon 6 of II Ecumenical Council, canon 12 of the Cartige Council and Par. 69 Art. 27/B of Constitution of the Serbian Orthodox Church, is accepted.

His Holyness Patriarch Gherman moves that the indictment against Bishop Dionisije Milivojevic be read and recommendation for inclusion of new offenses into the

indictment of Bishop Dionisije, concerning events of November 13 and 14, 1963 which had led to creation of completely autonomous Diocese for the United States and Canada, which broke away from the Serbian Orthodox Church, and non-canonical election and consecretion of Rt. Rev. Irinej Kovacevic for bishop, prepared by the Holy Episcopal Synod appointed church prosecutor His Grace Bishop of Zica Vasilije.

The Holy Assembly of Bishops accepts this and indictment is read.

After the indictment was read His Grace Bishop of Raska—Prizren Pavle moves that the report of the fact-finding commission, appointed by the Holy Episcopal Synod No. 1989/min. 265 of 1963 to examine complaints against His Grace Bishop Dionisije be read.

This is accepted by the Holy Assembly of Bishops and the report of the fact-finding commission is read by His Grace Bishop of Branicevo.

After it was established that the accused Bishop Dionisije Milivojevic has had refused to answer the indictment, which he has returned stating that he did not recognize any decisions of the Holy Assembly of Bishops and the Holy Episcopal Synod, His Holiness Patriarch Gherman requests from the Holy Assembly of Bishops to decide whether the accused Bishop Dionisije Milivojevic is guilty, in accordance with Par. 71 of Rules and Procedure for Church Courts of the Serbian Orthodox Church.

The Holy Assembly of Bishops unanimously answer: he is guilty!

After that His Holiness Patriarch Gherman asks each member, from the youngest to the oldest, of the Holy Assembly of Bishops, to declare separately: is the accused Bishop Dionisije Milivojevic guilty? On separate calls

from His Holiness Patriarch Gherman, each member of the Holy Assembly of Bishops, from the youngest to the oldest, stands up and declares: guilty!

His Holiness Patriarch Gherman now asks the Holy Assembly of Bishops: does it approve the punishment for Bishop Dionisije as it was recommended by the church prosecutor His Grace Bishop of Zica Vasilije that Bishop Dionisije be deprived of his bishopric title.

The Holy Assembly of Bishops unanimously answers: we approve the recommendation of the church prosecutor that Bishop Dionisije be deprived of his bishopric title.

His Holiness Patriarch Gherman requests that each member of the Holy Assembly of Bishops, from the youngest to the oldest, declares whether he approves the punishment recommended by the church prosecutor His Grace Bishop of Zica Vasilije that the accused Bishop Dionisije Milivojevic be deprevied of his bishopric title. On separate calls by His Holiness Patriarch Gherman, each member of the Holy Assembly of Bishops, from the youngest to the oldest, stands up and declares: I approve the punishment recommended by the church prosecutor that Bishop Dionisije Milivojevic be deprived of his bishopric title.

In accordance with the above the Holy Assembly of Bishops unanimously and finally decides:

According to rule 6 of II Ecumenical Council, rules 14 and 15 of the Antioch Council, rule 12 of the Cartige Council and Par. 7 and 69, Art. 27/B Constitution of the Serbian Orthodox Church, Bishop Dionisije Milivojevic is punished, according to Par. 216, Art. 8 Constitution of the Serbian Orthodox Church and Par. 90 of Rules and Procedures for Church Courts of the Serbian Orthodox Church is deprived of his bishopric title, he is taken off the Roster of Serbian Orthodox Bishops and returned to the ranks of laity under his lay name Dragoljub, for the offenses against our church hierarch, and schism, his behavior unbecoming his title and position, and insubordination regarding lawful acts of his superior church authorities (Par. 214/a Art. 1, 2 and 3, Constitution of the Serbian Orthodox Church). Since this decision has been passed unanimously by all members of the Holy Assembly of Bishops, it is in accordance with rule 15 of the Antioch Council final and there is no appeal.

His Holyness Patriarch Serbian Gherman, as presiding member and in accordance with Par. 71 of Rules and Procedures for Church Courts of the Serbian Orthodox Church, designates the secretaries of the Holy Assembly of Bishops, His Grace Bishop of Dalmatia Stefan and His Grace Bishop of Sabac-Valjevo Jovan and His Grace Bishop of Zah.—Hercegovina Vladisalv and of Branicevo Hrizostom, to prepare the judgment in accordance with this decision.

His Holyness Patriarch Gherman concludes the todays meeting at 11:45 and schedules the next meeting for March 6 (February 22) at 9 a.m.

Remark: The judgment is at the end of this Minutes.

President
of the Holy Assembly of Bishops
+ Gherman

Members: Metropolitan of Zagreb Damaskin, Metropolitan of Dabro-Bosanski (signature illegible), Metropolitan of Crnogorsko-Primorski (signature illegible), Bishop of Timok (signature illegible), Bishop of Nis (signature illegible), Bishop of Sumadija (signature illegible), Bishop of Srem (signature illegible). Bishop of Backa (signature illegible), Bishop of Zica (signature illegible), Bishop of Branicevo Hrizostom, Bishop of Banat (signature illegible)

DEFENDANT'S EXHIBIT 255

I certify herewith that the following (11) eleven pages are true and correct copies of the Minutes of the Holy Assembly of Bishops, dated August 31 (September 13), 1921, and that these copies were made under my supervision and guidance.

The original Minutes is presently in the archives of the Holy Episcopal Synod and under my control

Belgrade, April 15,1970 Secretary General
Holy Episcopal Synod
Mladen Mladenovic

(Round Seal)

MINUTES

XVII.

of the Holy Assembly of Bishops of the Serbian Orthodox
of the regular meeting
Church, August 31/September 13, 1921
in Sremski Karlovci

Present: President. H. H. Patriarch, all members and Secretary of Serbian Patriarchate

The Minutes of the regular XVI meeting were read, accepted and signed, with one addition—resignation of Dr. Vikentije Vujic was acknowledged, but everything else from decision has been omitted.

• • •

P.E.G. Jefrem, as spokesman for Special Commission for church in America, presents the following proposal:

"Report of P.E. of Ohrib Nikolaj pays special attention to constant written and oral requests, and especially before the delegate of the Holy Assembly of Bishops Nj.P.G. Nikolaj of Ohrid, manifested by strong desire and unquestionable need of the Serbian clergy and people in North America, to get under jurisdiction of the Serbian Church. Even now bond is very strong and the Serbian Church has

already, through individual bishops, taken spiritual care of churches and the Serbian Orthodox faithful, by sending priests to parishes and providing these priests with necessary authority and spiritual needs. Special point is that these parishes are actually born-away part of our Church. The Holy Assembly of Bishops decides:

1) To keep all Orthodox Serbs in North America under protection and to create a more organic and closer connection with the Serbian Church;

2) Therefore, it deems necessary to found in North America a Serbian Orthodox Diocese, to appoint a Vicar who would organize this diocese and establish control in this region in subserviance to Serbian Patriarch and supreme authority of the Holy Assembly of Bishops and the Holy Episcopal Synod, or a special delegate of the Holy Assembly of Bishops. When the diocese is organized and secured, appoint a regular canonical bishop.

4) Diocese would encompass all Serbian Orthodox parishes, all Orthodox Serbis in America. The Serbian Church as Mother Church has the authority establish diocesan administration by Regulation, to specify relationship between clergy, parishes and churches on the one side, and the Serbian Church on the other side. The Holy Assembly of Bishops will have to approve this Regulation.

This relationship should be based on Holy Canons, which clearly explains the meaning and content of bishopric jurisdiction in regard to internal administration. As for the financial side to preserve necessary rights and guaranteed duties of church parishes and their organs.

The second relationship deals with dependancy of the Diocese toward the Metropolitanate, which is today represented in the Serbian Patriarchate. More detailed regulations should be passed by the Holy Episcopal Synod.

5) Salary of the Vicar and diacons will be secured from state treasury.

Maintenance of the finally established diocese will be dealt with in a most beneficial manner. Expenses of delegates will also fall on the state.

6) In a case of contraversy with the Russian Orthodox Church, in regard to property, an attempt should be made to settle the problem with the official representatives of the Russian Church.

V.M.G. Varnava makes oral statements which shed more light on this question, pointing out that 16 out of 30 priests have signed request for bishop. P.E.G. Nikolaj explains that the only reason for such situation is, that he could not get everywhere, or wait for signature of all priests. But he was assured in the East and in the West that all priests support this idea.

He agrees with the opinion of the Commission and suggests that bishop should be accompanied by a deacon, if that is feasible.

The Holy Assembly of Bishops accepts proposal of the appointed Commission and decides to send a delegate of the Holy Assembly of Bishops, one bishops and one diacon.

Right after that P.E. of Ohrid Nikolaj is elected as delegate.

After this the meeting was adjourned.

President, Archbishop of Belgrade and Serbian Patriarch Dimitrije.

Members:

Metropolitans: Dabro-Bosanski Petar, Banjalucki and Bihacki Vasilije, Zvornicko-Tuzlanski Ilarion, Skopljanski Varnava.

Bishops: Pakracki Miron, Temisvarski Georgije, Budimski Georgije, Gornjokarlovacki Ilarion, Niski Dositej, Ohridski Nikolaj, Timocki Irinej, Rasko-Prizrenski Mihailo, Bitoljski Josif, Zletovske-Strumicki Serefim.

Secretary of Serbian Patriarchate, Dim J. Rosu

DEFENDANT'S EXHIBIT 258

To:
Their Graces
Bishop of Branicevo Mister Hrizostom and
Bishop of Banat Mister Visarion

From: Serbian Eastern Orthodox
Diocese for the U.S.A. and
Canada
Serbian St. Sava Monastery
Libertyville, Ill., U.S.A.

Your Graces, 5. juli, 1963

We have received the letter of the Holy Bishops' Synod, ref. no. 1986/min. 265 of June 13, 1963, which we acknowledge.

We have also received your mutual letter from Pittsburgh, dated June 30, 1963, informing about your intention to come to Libertyville and visit us, i.e. to visit Mister Dionisije, the Mid-west American Diocese Bishop, and I am not the one, and never have accepted this title given to me, nor was I asked to agree to though it is a usual practice and law in the Serbian Eastern Orthodox Church. In spite of all that I acknowledge the receipt of your letter.

In connection with your coming we have informed our people and issued a letter which you kindly find attached hereto.

Personally, we state:

We did not try to avoid any responsibility. We asked for the accusations to be duly presented to us in order to be able to reply to them. So far we have not received them.

If we get them from you we will try to answer the same. Verbal accusations and questionings we do not accept and consider illegal.

We protest against the prejudged decision of the Holy Bishops' Synod about the forbidance of carrying out clerical duties and dissmisal of managing the Diocese, because by such mentioned decision the Holy Bishops' Synod undoubtedly broke the Constitution of the Patriarchate as well as the Penal Rules of the Serbian Eastern Orthodox Church.

We ask you to give instructions to the nominated administrators, Very Reverend Scokoljic and Hdicki as well as to protosyngelos Stefan Lastavica to withdraw their orders to the clergy and the communities against the Church-National Assembly; about correspondence with the Diocese; financial payment rates, etc. because such orders made a great damage to this Diocese and the Church and shall be held responsible to the State Laws of this country as well. They threat every priest who is not with them shall be dissmised.

We have rejected the deviding of the Diocese into three new ones because such a decision was made without consulting the people here though the people is supposed to have to keep those Bishops and Dioceses. We have refused imposing of the bishopic without consultation with the people.

As a result of the fact we have received numerous protests against your coming to the Monastery St. Sava; against your receiving in the Monastery; we are sorry not to be in a position to receive you in the Monastery, but in any other place: hotel, restaurant or alike.

Your Graces brother in Christ

Serbian Eastern Orthodox Bishop for
America and Canada
D i o n i s i j e
(signed)

POST-TRIAL MOTIONS, OPINIONS AND ORDERS

IN THE
CIRCUIT COURT OF LAKE COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

THE SERBIAN EASTERN ORTHODOX DIOCESE FOR THE UNITED STATES OF AMERICA AND CANADA, a religious body, et al., Plaintiffs,	No. 63-1644	Consolidated No. 63-1644
vs.		
DIONISIJE MILIVOJEVICH, et al., Defendants.	No. 63-2312	

MEMORANDUM DECISION
PREAMBLE

This cause has a lengthy history which involves a bitter religious and legal controversy and an involved tangle of pleadings and exhibits and scholarly briefs, and an extremely lengthy bench trial with evidence presented before this Trial Judge. We intend to condense this Opinion as all evidence, law of the case and historical background are well known to the parties and counsel to the cause.

The parties named in the caption of this Decision for convenience will herein sometimes be referred to as: The Plaintiffs as "Mother Church" and the Defendants as "American Diocese." The former has its Holy See in Yugoslavia and the latter in or near Libertyville, Lake County, Illinois.

These cases were consolidated at the trial court level and were summarily disposed of by the late Judge Philip

Yager in favor of said Defendants. On appeal by the Mother Church as Appellants, a comprehensive review of the pleadings and supporting documents and the law applicable to the situation appears in the Learned Opinion and Supplemental Opinion written by Appellate Court (now Illinois Supreme Court) Justice Charles Davis, which appears in 72 Ill. App. 2d 444 (1966). In this (the Davis Opinion), the Yager trial court summary judgment orders were reversed.

We quote from the Davis Opinion: (Pages 464 & 465)

> "• • • be presented to the trial court on remandment in an orderly and complete hearing of these consolidated cases on their merits. If, upon proper pleadings, competent testimony and other valid evidence, the appellees can present a case which would warrant and justify the trial court—a civil court—in not accepting a pertinent ecclesiastical decision or decisions, we do not mean to be understood to preclude them from doing so. Our purpose in remanding the case is to afford all of the litigants a complete and full hearing on the merits pertaining to the many issues and questions involved. The factual background of this case is indeed significant, but it is not without dispute, as is evidenced by the numerous conflicting representations made to the court through extensive pleadings, depositions, affidavits, and briefs.
>
> "The legal conclusions reached in our opinion are based upon the facts as they appear to us as the case stands at this juncture. Should a full hearing develop factual matters of significance, different from those upon which this opinion is based, then our opinion would be limited accordingly."

The Appellate Court Decision quoted above has been our reason for the extensive evidence taken by us, chiefly to determine whether or not the decision of the Mother Church

to defrock Bishop Dionisije was "tainted with fraud, collusion, or arbitrariness" in which case, only, the ecclesiastical decision need not be accepted by this secular court. On page 457 of the Davis Opinion we find a reference to the cases of Watson and Gonzalez and the statement that:

> "If a civil right depends upon an ecclesiastical matter, the civil court must take the ecclesiastical decisions as it finds them. It is only where the decision of a church tribunal is tainted with fraud, collusion or arbitrariness that the decision need not be accepted by the secular court."

And on page 456 of the said Davis Opinion again is similar legal authority.

There are two existing corporations with which we are concerned. In 1935, a new religious society was incorporated under the laws of Illinois called "Serbian Eastern Orthodox Diocese for the United States of America and Canada." Its Constitution was substantially the same as that of the first corporation and it was likewise approved by the Serbian Orthodox Church of Yugoslavia. (Previously such society, incorporated in Illinois in 1927. had been allowed to lapse.) As is stated in the last paragraph on page 450 of the Davis Opinion:

> "• • • the Constitution of the Diocese. [the religious corporation] It states that the Diocese 'is considered ecclesiastically—judicially as an organic part of the Serbian Patriarchate in the Kingdom of Yugoslavia.' Article 2 provides that 'All statutes and rules which regulate the ecclesiastical—canonical authority and position of the Serbian Orthodox Church in the Kingdom of Yugoslavia are also compulsory' on the Diocese 'with the exception of specific cases which must be formulated with regard to local circumstances in accordance with ecclesiastical and judicial principles.'

> "Article 3 of this [Diocesan] Constitution provides that the jurisdiction of this Diocese includes the entire political territory of the United States and Canada, which by its geographical location enjoys 'full administrative freedom' under which 'it can independently regulate and rule the activities of * * *'" (various activities described).

In 1945, said Religious Corporation under the leadership of Bishop Dionisije formed an Illinois Corporation under the general not-for-profit corporate laws to which the assets of the Religious Corporation would be transferred. The name of this Corporation was, and is, "Serbian Orthodox Monastery of Saint Sava." The reason for this move was the Bishop's fear that the Mother Church would fall under the domination of the Communist government in Yugoslavia. The Bylaws of the non-profit corporation formed in 1945 provide for it to be an autonomous Serbian Church institution; and further provide that it possesses its own property which cannot be disposed of, sold, mortgaged or otherwise conveyed by any Serbian Church authority, without the consent and approval of the Diocesan Council, headed by the Bishop and the Diocesan Church Conventions.

On May 10, 1963, the Holy Episcopal Synod of the Mother Church in Yugoslavia first suspended Bishop Dionisije, and then he was defrocked on March 15, 1964 by the Holy Episcopal Council consisting of the Patriarch, Metropolitan, and the Diocesan Bishops of Yugoslavia. In that intervening interval, on May 17, 1963, said Synod of the Mother Church had disbanded the American-Canadian Diocese and in place thereof established three new dioceses, including not only all of the same, but also an additional international territory; and on said date, three temporary

administrators were appointed for said respective new dioceses. Firmilian Ocokoljich on May 10, 1963, was first appointed as Administrator of the Diocese to replace the suspended Bishop Dionisije, then as temporary Administrator of one of the three new dioceses, and next on July 27, 1963, as Diocesan Bishop of one of the three newly created dioceses, and only in this sense, to replace Bishop Dionisije.

We believe we must decide these issues:

NUMBER ONE ISSUE: Was the decision to defrock Bishop Dionisije made by the Mother Church in Yugoslavia tainted with fraud, collusion or arbitrariness so that the decision need not be considered as binding upon this, a secular court?

NUMBER TWO ISSUE: Has any evidence, oral and documentary, of substance been heard by this Court which should induce us to rule contrary to that part of Justice Davis' Opinion (pages 451 & 458) that the Religious Corporation of the American Diocese has "full administrative freedom" and autonomy over its local Constitution, although changes and amendments to the Constitution can only be consummated "with the approval of the Holy Bishops' Assembly of the Serbian Patriarchate"?

NUMBER THREE ISSUE: Has any appropriate evidence been adduced in this Court which persuades us to change or comment upon the Justice Davis Opinion concerning the "trust" aspects of the "Saint Sava" owned property?

NUMBER FOUR ISSUE: Has this Court any viewpoint or comment regarding the opinion of Justice

Davis (pages 458, 459 & 462) declaring the action of the Mother Church in dividing the American Diocese into three new dioceses, with a changing of boundaries and bishops, to be beyond the power of the Serbian Patriarchate in Yugoslavia?

NUMBER FIVE ISSUE: The Davis Supplemental Opinion at page 463 finds that Firmilian was appointed in 1963 by the Holy Episcopal Synod as temporary administrator of the original American-Canadian Diocese in place of Bishop Dionisije (later defrocked); subject, however, to evidence on this trial on remand. What finding does this Court make?

CONTROLLING LEGAL AUTHORITIES

The opposing litigants cite considerable case law in their briefs before this Court, some from the United States Supreme Court and some involving our same litigants in other jurisdictions. However, after our examination of briefs and citations, there still remain two outstanding U.S. Supreme Court cases, viz., commonly known as the "Watson" and "Kedroff" cases which we believe are basic to the general tenor of this opinion as they were to Justice Davis' Opinion in 72 Ill. App. 2d 444. These two cases will now be discussed in relation to our instant cause as will two or three cases decided subsequent to the Davis Opinion in 1966, as well as related matters.

(A) Watson v. Jones, 13 Wall. 679 (1871); 20 L. Ed. 666 is recognized by all (Davis Opinion pages 456 & 457) as the U.S. Supreme Court basic and unchanged general rule relative to civil courts interfering in, or trying to settle, ecclesiastical disputes involving church-held property. At page 674 of Watson (Lawyer's Edition), the Supreme Court grouped such cases in the following manner:

> "The questions which have come before the Civil courts concerning the rights to property held by ecclesiastical bodies, may, so far as we have been able to examine them, be profitably classified under three general heads, which of course do not include cases governed by considerations applicable to a church established and supported by law as the religion of the State."

(Here, the court first describes conditions found in the deed or will involving the specific property; and second where the individual church which owns the property is congregational in type and strictly independent of any higher church authority. The third class is quoted from Watson as follows):

> "3. The third is where the religious congregation or ecclesiastical body holding the property is but a subordinate member of some general church organization in which there are superior ecclesiastical tribunals with a general and ultimate power of control more or less complete in some supreme judicatory over the whole membership of that general organization."

Again, in Watson (L. Ed. Page 676):

> "In this class of cases we think the rule of action which should govern the civil courts, founded in a broad and sound view of the relations of church and state under our system of laws, and supported by a preponderating weight of judicial authority is, that, whenever the questions of discipline or of faith, or ecclesiastical rule, custom or law have been decided by the highest of these church judicatories to which the matter has been carried, the legal tribunals must accept such decisions as final, and as binding on them, in their application to the case before them."

(B) Kedroff, et al. v. St. Nicholas Cathedral of Russian Orthodox Church in North America, 344 U.S. 94 (1952); 97 L. Ed. 120, affirmed and approved the general findings in Watson and also defined Class Number 3 therein (the hierarchical churches) as those organized as a body with other churches having similar faith and doctrine, with a common ruling convocation or ecclesiastical head. Kedroff held to be violative of the First Amendment to the U.S. Constitution, certain New York State Legislation taking considerable church power from the Holy See in Moscow and granting it to the American-based Orthodox Russian Diocese. Justice Davis on page 456 writes: "We do not believe it can seriously be contended that the American Diocese is not a part of such a Hierarchical structure." In this opinion, this Court concurs.

(C) There are other decisions of Courts of Appeal from various jurisdictions cited in the respective briefs for the parties here. We have given the consideration thought to be due to such citations and we believe only two are sufficiently relevant (especially "Blue Hull").

1. Presbyterian Church, etc., et al. v. Mary Elizabeth Blue Hull, etc., et al., 393 U.S. 440, (89 Sup. Ct. 601) (1969), involved two local churches which belonged to a Presbyterian structure much similar to our Serbian overall Hierarchical structure. Local churches felt that they had sufficient doctrinal and other differences to withdraw from their mother church and the "Blue Hull" case resulted. The trial court and the Georgia Supreme Court both found for the local churches. However, in said "Blue Hull" decision, the U.S. Supreme

Court reversed, citing Watson v. Jones, supra, stating (393 U.S. 604):

> "There, as here, civil courts were asked to resolve a property dispute between a national Presbyterian organization and local churches of that organization. There, as here, the disputes arose out of a controversy over church doctrine. There, as here, the Court was asked to decree the termination of an implied trust because of departures from doctrine by the national organization. The Watson Court refused pointing out that it was wholly inconsistent with the American concept of the relationship between church and state to permit civil courts to determine ecclesiastical questions."

The "Blue Hull" Court then, in substance, confirmed Watson. The exception so familiar to all by now giving civil courts limited jurisdiction in church matters where it is proven that fraud, collusion or arbitrariness has affected ecclesiastical decision, is affirmed in "Blue Hull" on page 447, but more directly on page 451.

2. The Maryland and Virginia Eldership, etc., et al. v. The Church of God at Sharpsburg, Inc., et al., 396 U.S. 367; 24 L. Ed. 2d 582 (1970), is a one-page per curiam opinion. It is informative solely from a Justice's "Separate Opinion" of about two pages which cites the Watson, Kedroff, and Blue Hull cases, all supra, all with approving comments, but adding little to the law in our Serbian case.

(D) The Statute of Illinois under which the American Diocese was incorporated in 1935 as a religious society has significance to us as the Davis Opinion

relates (pp. 456 & 457) of two methods to incorporate religious societies under the Religious Corporations Act, §§35-46, inclusive, thereof provide for independent organizations. (Ill. Rev. Stats. now 1971, Chap. 32, paragraphs 164 et seq.); and §§46(a)-(k) inclusive. The Diocese in this country was incorporated in 1935 under the provisions of Chap. 32, paragraphs 176-186, inclusive. This fact, together with the constitutional language, church history, and practice, clearly establishes the Hierarchical nature of the Serbian Orthodox Church. (See Davis Opinion, page 457).

DECISION

We now decide the issues as we view them by the same numbers which we have used to outline them previously herein.

NUMBER ONE ISSUE: In our opinion, no substantial evidence was produced by Defendants at the trial that fraud, collusion or arbitrariness existed in any of the actions or decisions preliminary to or during the final proceedings of the decision to defrock Bishop Dionisije made by the highest Hierarchical bodies of the Mother Church. These were valid ecclesiastical matters under the above findings and highest legal authorities. Bishop Dionisije chose not to appear in Belgrade for trial and he had been dissident from the Mother Church for many, many years, even though it may be from originally what he thought and may still think are patriotic reasons. Nevertheless, his attitude was one of defiance of the Holy See which was publicly made manifest and known to a great many of the faithful, he refused to attend meetings of

Bishops in Yugoslavia, even in recent years, and the Mother Church can hardly be blamed for proceeding with his trial in his absence.

Countless charges of personal misconduct were made by Plaintiffs against Bishop Dionisije and a great part of the trial was evidence pro and con by witnesses concerning those matters. This Court permitted this evidence (much of which now seems extraneous) wherein we believe that trial counsel had legal reason in connection with this "Issue Number One." However, we now consider that all this type of evidence was irrelevant to any of our issues stated herein and we make no finding as a Court as to the personal conduct of Bishop Dionisije while a Bishop nor concerning the charges in question.

NUMBER TWO ISSUE: No sufficient evidence was heard during our trial to differ with or to comment upon the Justice Davis Opinion at pages 451 and 458 confirming and holding that the Religious Corporation, "The Serbian Eastern Orthodox Diocese for the United States of America and Canada" has "full administrative freedom" and autonomy over its local Constitution, although changes and Amendments thereto can only be consummated "with the approval of the Holy Bishops' Assembly of the Serbian Patriarchate."

We comment that this does create a rather anomalous situation, with the American Diocese being led by a temporary Administrator and perhaps a bishop appointed by the Mother Church and it also having a "negative vote" on all future Constitution "changes and Amendments."

NUMBER THREE ISSUE: We are not persuaded by the evidence to change or comment significantly upon the opinion of Justice Davis concerning the "trust" aspect of the "Saint Sava" Corporation held property of the Diocese. We agree with his views and for brevity, we simply refer to his Opinion on this subject, beginning in the last paragraph on Page 454 and continuing to the middle of Page 456 of his Opinion.

NUMBER FOUR ISSUE: We concur fully with Justice Davis that it was improper and beyond the power of the Mother Church to take its action in dividing the whole American Diocese into three new Dioceses, changing its boundaries, and in appointing new bishops for said so-called new Dioceses. Again, for brevity, we refer to the Davis Opinion on these matters beginning in the first paragraph on Page 458 and continuing to the first paragraph on Page 460.

NUMBER FIVE ISSUE: We concur with the "Supplemental Opinion" of Justice Davis (second paragraph, Page 464), that Firmilian was validly appointed by the Holy Episcopal Synod as temporary Administrator of the whole American Diocese in place of the defrocked Bishop Dionisije, and we recall no evidence to the contrary during our trial. However, a peculiar situation exists which we do not believe Justice Davis refers to in his Opinion. Firmilian was never designated Bishop of all of the original and still existing "American-Canadian Diocese" by the Holy See in Belgrade and therefore, only an Administrator, not a Bishop, is in charge of the latter Diocese. There is a vacancy in said office of Bishop, in the opinion of

this Court, and the Mother Church should fill that vacancy at once. We realize that the Mother Church (represented by Plaintiffs trial counsel) stoutly contends in its Briefs here that Firmilian, as the Bishop of one of the three newly-created Divisional Dioceses, has jurisdiction over all Lake County matters and properties; while the American Diocese (represented by Defendants trial counsel) just as stoutly contends in its Briefs here that virtually all activity that has occurred, Justice Davis' entire Opinion (and no doubt this Memorandum), are all in error. It is of interest to note, as Justice Davis does at Page 451 of his Opinion, that the Administrator of the Diocese and the Diocesan Bishop, when appointed, possess considerable power and authority.

We suggest that suitable orders or decrees be drafted and presented to the Circuit Court, and perhaps counsel for Plaintiffs should take the initiative in that regard. We regret exceedingly that personal misfortune, injury and ill health of the undersigned have caused considerable delay in the final studies of law and evidence in this case and thus have so long delayed the issuance of this Memorandum.

DATED: December 28, 1972.

L. Eric Carey
Judge

IN THE
CIRCUIT COURT OF LAKE COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

THE SERBIAN EASTERN ORTHODOX DIOCESE FOR THE UNITED STATES OF AMERICA AND CANADA, a religious body, et al.,	No. 63-1644	
Plaintiffs,		Consolidated No. 63-1644
vs.		
DIONISIJE MILIVOJEVICH, et al.,	No. 63-2312	
Defendants.		

FINAL DECREE

This consolidated cause having come on to be heard for the entry of a Final Decree, the Court having filed its Memorandum Decision on December 28, 1972, and having heard the statements of counsel for the parties made in open court and being otherwise fully advised in the premises, finds and concludes as follows:

1. The plaintiffs are the Serbian Eastern Orthodox Diocese for the United States of America and Canada, a religious body duly organized and existing since 1921; Bishop Firmilian Ocokoljich, a Serbian cleric (hereinafter referred to as "Bishop Firmilian"); Bishop Sava Vukovich, a Serbian cleric; Bishop Gregory Udicki, a Serbian cleric; and certain representative individuals, both laymen (Emil Droback, Sam Milanovich and Donald Kral) and Clerics (Very Reverend Dusan Popovich, Very Reverend Dusan Klipa and Very Reverend Vladimir Mrvichin), who sue on their own behalf and on behalf of those persons,

lay and clerical, who recognize and adhere to ecclesiastical and hierarchical allegiance to the Serbian Orthodox Church whose Patriarchal See is located in Belgrade, Yugoslavia which church is one of fourteen recognized orthodox ecclesiastical and hierarchical churches in the world and is hereinafter referred to as the "Serbian Church."

2. The defendants are Dionisije Milivojevich (hereinafter referred to as "Dionisije"), a former Bishop of the Serbian Church, a former diocesan bishop and officer and agent of the Serbian Eastern Orthodox Diocese for the United States of America and Canada; the Serbian Eastern Orthodox Diocese of the United States of America and Canada, an Illinois religious corporation organized and existing since 1935 under the Illinois Religious Corporations Act (hereinafter referred to as the "Illinois religious corporation"); and, the Serbian Orthodox Monastery of St. Sava, an Illinois not-for-profit corporation organized and existing since 1945 under the Illinois Not-for-Profit Corporations Act (hereinafter referred to as the "Illinois not-for-profit corporation").

3. The Serbian Church is an ancient, world-wide, hierarchically organized church. Under the Serbian Church's hierarchical organization, the geographical territories throughout the world over which it assumes ecclesiastical authority and administration are designated, fixed and determined by the Church's Holy Assembly of Bishops and thereafter designated and set forth in its Constitution and each is designated a diocese of the Serbian Church; subject, however, to the provisions in the Constitution of the Serbian Church and the provisions in the Constitution of the Serbian Eastern Orthodox Diocese for the United States of America and Canada, reserving to

the latter said Diocese full administrative freedom in all administrative aspects.

4. The sole power and authority to elect, ordain and assign a Diocesan Bishop rests in the Serbian Church's Holy Assembly of Bishops. Each Diocesan Bishop is, by virtue of his office as Diocesan Bishop, a member of the Holy Assembly of Bishops (hereinafter referred to as the "Holy Assembly"), the Serbian Church's highest hierarchical judicatory. At the head of the Holy Assembly is one of its number who is designated as Patriarch (the first among equals), who is elected to his office as Patriarch by the Holy Assembly and serves as its President. The executive branch of the Holy Assembly is the Holy Synod. It consists of the Patriarch and four other Diocesan Bishops selected by the Holy Assembly.

5. Neither the Illinois religious corporation nor its members have, nor have they or any of them ever had, the authority to elect, ordain, assign, reject or accept bishops. Any cleric purportedly elected to the office and rank of Bishop of the Serbian Church by any persons, groups or corporations or other entities other than the Holy Assembly were not and are not validly elected to the office and rank of Bishop, their election was and is in each instance null and void. No one of them is or has ever been a Bishop of the Serbian Church.

6. The Serbian Eastern Orthodox Diocese for the United States of America and Canada was created by the Holy Assembly in the early 1920's. Initially, Archimandrite Mardary was assigned to administer the affairs of the newly created diocese. On November 22, 1925, Mardary was elected by the Holy Assembly as Diocesan Bishop for the Diocese of the United States of America and Canada.

Prior to his death Bishop Mardary caused the Illinois religious corporation to be formed. It was organized on May 10, 1935 pursuant to the Illinois Religious Corporations Act, ch. 32, pars. 46(a)-(k). It has the powers and obligations as are set forth and defined in the Diocesan Constitution, the Constitution of the Serbian Church and the Illinois Religious Corporations Act, as amended (Ill. Rev. Stats. 1971, pars. 176-187).

7. All assets, real, personal, tangible and intangible transferred by the Illinois religious corporation (and all those acting under and pursuant to its authority), were so transferred to the aforedescribed Illinois not-for-profit corporation, Shadeland Corporation and Jackson Corporation subject to, and impressed with, the trust imposed upon those assets. Those assets and all accretions and additions thereto by increase in value, income, earnings, or otherwise have at all times pertinent hereto been held (and are now, and must continue to be held) for the use and benefit of those persons in the United States and Canada faithful to the Serbian Church and to the Serbian Eastern Orthodox Diocese for the United States of America and Canada.

8. Dionisije was elected by the Holy Assembly in Belgrade, Yugoslavia, as Diocesan Bishop for the Serbian Eastern Orthodox Diocese for the United States of America and Canada in December, 1939. By virtue thereof he became and until suspended on May 10, 1963, served as the chief executive officer of the Illinois religious corporation, the Illinois not-for-profit corporation, the Priests' Pension Fund, the Shadeland Corporation, the Jackson Corporation, and the Diocesan Council. The Illinois religious corporation, the Illinois not-for-profit corporation, the Shadeland Corporation, the Jackson Corporation, and the

Priests' Pension Fund, are secular arms of the Serbian Eastern Orthodox Diocese for the United States of America and Canada. The Diocesan Council is the governing body of the Diocese for the United States of America and Canada.

9. On May 10, 1963, the Holy Synod suspended Dionisije. On July 27, 1963, the Holy Assembly removed and deposed Dionisije as Diocesan Bishop and on March 5, 1964, it defrocked him. These actions were valid, free and voluntary, binding ecclesiastical actions of the Holy Synod and Holy Assembly of the Serbian Church, taken wholly within their ecclesiastical power and authority. They were in no respect tainted with fraud, collusion, duress, or arbitrariness. Accordingly, they must be (and should have been) honored and accepted by defendants and each of them, and, as well, given full force and effect by this and other secular courts of, and in, the United States and Canada, with regard to their effect, ecclesiastically and otherwise, on the possession, control and administration of church property.

10. Dionisije, having been validly suspended on May 10, 1963, and deposed and removed from his position as Diocesan Bishop for the Diocese of the United States of America and Canada on July 27, 1963, and defrocked as a Bishop of the Serbian Church on March 5, 1964, was without power or authority from and after May 10, 1963 to act as, or to exercise any of the rights, privileges, duties, powers or authorities, dejure or defacto, of Bishop of the Diocese. From and after July 27, 1963, the office of Bishop of the Diocese for the United States of America and Canada became and remained and still is vacant, as did and are the offices of chief executive officer of the Illinois religious corporation, the Illinois not-for-profit corporation, the

Priests' Pension Fund, the Jackson Corporation, the Shadeland Corporation and the Chairmanship of the Diocesan Council, as well as other offices and positions of the Diocese and of each of the above-listed corporations, held by the Bishop of the Diocese by virtue of his office as Bishop.

11. The office of Bishop for the Diocese of the United States of America and Canada being vacant, the Holy Assembly had exclusive authority to fill that vacancy. Upon the entry of the order of suspension and pending the final disposition of the suspension of Dionisije and his ultimate reassignment to his office or his removal therefrom by the Holy Assembly, the Holy Synod had exclusive authority to appoint an Administrator of that Diocese of the United States of America and Canada.

12. The Holy Synod, following Dionisije's suspension, validly appointed Bishop Firmilian as Administrator for the Diocese of the United States of America and Canada on May 10, 1963. By virtue of that appointment, Bishop Firmilian has since then been, and is, pending the election of a Diocesan Bishop to succeed him, the chief executive officer of the Illinois religious corporation, the Illinois not-for-profit corporation, the Priests' Pension Fund, and the Diocesan Council, responsible for the administration for the benefit of, and as trustee for those who are members of and who are faithful and who give allegiance to the Serbian Church and the Serbian Eastern Orthodox Diocese for the United States of America and Canada, of all of the assets tangible and intangible, real and personal, owned, held, controlled and operated by each of the aforedescribed entities. As Administrator, he has, and has had since his appointment on May 10, 1963, the powers, authorities, rights, duties, privileges, emoluments, immunities,

offices and positions of the Administrator of the Diocese of the United States of America and Canada with the powers and subject to the limitations contained in the Constitutions of the Serbian Church and of the Serbian Eastern Orthodox Diocese for the United States of America and Canada.

13. Dionisije and those acting under his control and authority, have since May 10, 1963, illegally and improperly refused to recognize:

(i) the decisions of the Holy Assembly suspending, removing and defrocking Dionisije, and

(ii) the authority of Bishop Firmilian as Administrator for the Serbian Eastern Orthodox Diocese for the United States of America and Canada and as such, the holder of all offices and positions, rights, duties, powers, authorities, emoluments, immunities of Administrator, including, among others, the chief executive officership of the Illinois religious corporation, the Illinois not-for-profit corporation, the Priests' Pension Fund, and the Diocesan Council.

14. Bishop Firmilian's authority as Administrator of the Diocese for the United States of America and Canada is as set forth in the Constitutions of the Serbian Church and the Serbian Eastern Orthodox Diocese for the United States of America and Canada.

15. The Illinois religious corporation has full administrative freedom with relation to possession, use and control of its real and personal property, tangible and intangible, provided, however,

(i) that it may not change or amend the Diocesan Constitution without the approval of the Holy Assembly,

(ii) that all said real and personal property, tangible and intangible, has been during all times pertinent hereto, and still is and will remain, property held in trust to be administered for the benefit of those faithful in the United States and Canada who are faithful to the Serbian Church, and the Serbian Eastern Orthodox Diocese for the United States of America and Canada; and

(iii) the Illinois religious, Shadeland and Jackson Corporations and the Priests' Pension Fund may not employ any of their property contrary to the trust imposed thereon.

16. The changes and amendment to the Constitution of the Serbian Eastern Orthodox Diocese for the United States of America and Canada purportedly enacted subsequent to May 10, 1963, not having been approved by the Holy Assembly are null and void and without any force or effect, defacto or dejure.

17. By virtue of the authority conferred upon it by the Constitution of the Serbian Eastern Orthodox Diocese for the United States of America and Canada, the Diocesan Council has apparently managed all the temporal affairs of the Serbian Eastern Orthodox Diocese from May 10, 1963 to the present and there has been no evidence presented to this Court of any breach of the trust imposed upon the assets, or wrongdoing, with the assets of the Illinois religious corporation or Illinois not-for-profit corporation since May 10, 1963. The Court further finds that the financial and administrative matters conducted by the Sabors since May 10, 1963 have apparently been in accordance with the Constitution of the Serbian Eastern Orthodox Diocese except to the extent that the Sabors purported to amend the Diocesan Constitution without the approval of the Holy Assembly of Bishops.

18. Absent the calling and holding of a Sabor pursuant to the Constitution of the Serbian Eastern Orthodox Diocese for the United States of America and Canada and appropriate actions of the Sabor, it was improper for the Holy Assembly to initiate or effect a division or reorganization of the entire Diocese for the United States of America and Canada and of the Illinois religious corporation into three new dioceses and, therefore the action of the Holy Assembly purporting to reorganize and divide the Serbian Eastern Orthodox Diocese into three new dioceses and to appoint a Diocesan Bishop of each of the new dioceses is invalid, null and void and of no force or effect, dejure or defacto.

19. Bishop Firmilian in his capacity as the Administrator of the Serbian Eastern Orthodox Diocese for the United States of America and Canada is authorized to do those acts permitted under the Serbian Church Constitution and the Constitution of the Serbian Eastern Orthodox Diocese for the United States of America and Canada and may undertake no action inconsistent with this decree or those Constitutions.

20. All Serbian Church congregations in the United States of America and Canada who profess loyalty to the Serbian Church with its Patriarchal See located in Belgrade, Yugoslavia, and the Serbian Eastern Orthodox Diocese of the United States of America and Canada with its Diocesan See located in Libertyville, Illinois, are members of the Serbian Eastern Orthodox Diocese for the United States of America and Canada regardless of what position said churches may have taken with regard to the Serbian Church and the aforesaid Diocese from May 10, 1963 until the date of the entry of this Decree.

In view of the within and foregoing findings and conclusions:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The decisions and actions of the Holy Assembly and the Holy Synod relating to the suspension, removal and defrockment of Dionisije were in no way tainted with fraud, collusion, duress, undue influence or arbitrariness. They were in all instances voluntary and legally authorized actions and they were valid, authorized and proper ecclesiastical decisions of the highest judicatories of the Serbian Church, and are in all respects binding upon this Court.

2. Bishop Firmilian was validly appointed by the Holy Synod to be and has been since his appointment on May 10, 1963 the Administrator of the Diocese for the United States of America and Canada in replacement of Dionsije. Until replaced by a Diocesan Bishop elected and assigned by the Holy Assembly, Bishop Firmilian possesses the authority, rights, duties, emoluments, privileges, immunities, offices and positions which are more particularly set forth in the Constitutions of both the Serbian Church and of the Serbian Eastern Orthodox Diocese for the United States of America and Canada.

3. The office of Bishop of the Serbian Eastern Orthodox Diocese for the United States of America and Canada is now and has been since July 27, 1963 vacant. The Holy Assembly has the exclusive authority to fill that vacancy.

4. Defendants, and each of them, and all persons, firms, corporations and entities who have acted or who are acting under, with, or pursuant to their order or direction or in concert with them, are ordered to recognize Bishop Firmilian as the Administrator of the Serbian Eastern Orthodox Diocese for the United States of America and

Canada and his authority as is set forth in the Constitutions of the Serbian Church and the Serbian Eastern Orthodox Diocese for the United States of America and Canada.

5. The Illinois religious corporation, has full administrative freedom within the entire political territory of the United States of America and Canada and it may independently regulate and rule the activities of its churches, schools and other diocesan institutions subject to the trusts hereinbefore set forth, and the Serbian Church with its See in Belgrade, Yugoslavia, other than having the power to approve or disapprove amendments to the Constitution of the Serbian Eastern Orthodox Diocese of the United States of America and Canada has no right or authority to interfere with the management of the property of the Serbian Eastern Orthodox Diocese.

6. Any purported changes or amendment to the Constitution of the Serbian Eastern Orthodox Diocese for the United States of America and Canada purportedly enacted subsequent to May 10, 1963 are null and void and do not now nor have they ever had any defacto or dejure force or effect.

7. The May 10, 1963 decision of the Holy Assembly of Bishops dividing the Serbian Eastern Orthodox Diocese for the United States of America and Canada into three new dioceses, was illegal, invalid and unenforceable because it is in violation of the Constitutions of the Serbian Church and the Serbian Eastern Orthodox Diocese and all acts of the bishops and officers of the three new dioceses as alleged successors to the American-Canadian Diocese are null and void.

8. Dionisije has not been a Bishop of the Serbian Church since March 5, 1964, nor a Bishop of the Serbian Eastern Orthodox Diocese for the United States of America and Canada since July 27, 1963, nor, since May 10, 1963, the chief executive officer of the Illinois religious corporation, the Illinois not-for-profit corporation, the Shadeland Corporation, the Jackson Corporation, the Priests' Pension Fund, or the Diocesan Council, nor has he had authority since May 10, 1963 to exercise any ecclesiastical or administrative authority or power whatever with respect to the property or affairs of said corporations, Council and Fund or any committee or group associated with them.

9. The Court retains jurisdiction of this cause for the purpose of entering any further orders or decrees necessary, appropriate or desirable in order to execute, enforce and carry out this Decree.

10. The court costs in this consolidated cause shall be calculated by the Clerk of Court, assessed and paid one-half by plaintiffs as a group and one-half by defendants as a group.

11. Nothing shall delay the enforcement or appeal of this decree.

ENTER:

L. Eric Carey

Dated: April 30, 1973.

IN THE
CIRCUIT COURT OF LAKE COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

(title omitted in printing)

MOTION TO RECONSIDER

Now come the Defendants by Sullivan & Smith and Snyder, Clarke, Dalziel, Holmquist & Johnson, their attorneys, and move this Court, pursuant to the provisions of the Civil Practice Act, to vacate and/or modify the Final Decree dated April 30, 1973, and in support of said Motion allege and state:

1. That paragraph 20 of the Decree contravenes the Due Process Clause of the Fourteenth Amendment and the Freedom of Religion Clause of the First Amendment to the United States Constitution by establishing in place of the voluntary religious organization known as The Serbian Eastern Orthodox Diocese for the United States of America and Canada, a religious corporation, a new organization whose membership depends upon this Court's determination of who professes loyalty to the American-Canadian Diocese and to the Serbian Church.

2. That paragraph 20 of the Decree violates the First Amendment guarantee of freedom of religion by forcing the present members of the Serbian Eastern Orthodox Diocese for the United States of America and Canada, a religious corporation, to affiliate, associate, worship and otherwise act in concert with and be considered as fellow members of a church organization formed by this Court.

2. That paragraph 20 of the Decree extends the decision of this Court beyond the "neutral principles

of law" and makes the Court the present and future arbitrator of religious questions including the following:

(1) What is sufficient profession of loyalty to the Serbian Church or the American-Canadian Diocese?

(2) What is a Serbian congregation?

(3) How many persons are necessary to create a church congregation?

4. That paragraph 20 of the Decree is violative of the Due Process Clause of the United States and Illinois constitutions for the reason that the State of Illinois, by and through this Court, requires the Serbian Church congregations presently members of the Serbian Eastern Orthodox Diocese for the United States of America and Canada, an Illinois religious corporation, to engage in Diocesan functions with an undetermined number of alleged Serbian Church congregations, not presently members of the Incorporated American and Canadian Diocese, without a definitive ruling by this Court that the clergy of the congregations presently members of the Illinois religious corporation are authorized to participate in the activities of the Diocese as voting members, pursuant to the pertinent sections of the Diocesan Constitution.

5. That paragraph 20 of the Decree purports to include congregations as members of the incorporated diocese in contradiction of this Court's evidentiary ruling during trial that evidence relating to congregations created or existing subsequent to May 10, 1963 was irrelevant to the issues in the case.

6. That paragraph 20 contradicts paragraph 18 of the findings and paragraph 7 of the Order in that

said paragraph 20 purports to legitimatize congregations created by the three Bishops, Gregory, Sava and Firmilian, and paragraphs 18 and 7 find that all acts of these three Bishops, as successors of the American-Canadian Diocese are null and void.

7. That paragraph 1 of the Final Decree is violative of the First Amendment to the United States Constitution in that it purports to distinguish among citizens on the basis of recognition and an adherence to ecclesiastical hierarchial allegiances, matters beyond the scope of neutral principles of law and beyond the jurisdiction and authority of a civil court.

8. That paragraph 4 of the Decree contravenes the restraints imposed upon a civil court in the resolution of disputes among religious organizations in that the Court resolves a contested doctrinal dispute finding that a Diocesan Bishop is elected only by the Holy Assembly of Bishops, and that the Patriarch is elected by the Holy Assembly of Bishops; the Court refuses to follow the Constitution of the Serbian Orthodox Church which specifies that the Patriarch is not elected by the Holy Assembly of Bishops.

9. That paragraph 5 of the Decree contravenes neutral principles of law in that the Court rules on an ecclesiastical question and finds, despite evidence to the contrary, that the members of the American-Canadian Diocese have no authority to elect a bishop.

10. That paragraph 6 of the Decree fails to set forth the uncontroverted testimony and exhibits that the American-Canadian Diocese existed as a part of the Russian Orthodox Church in the United States prior to the 1920's.

11. That the findings in paragraph 9 concerning the suspension and defrockment of Bishop Dionisije are contrary to the manifest weight of the evidence.

12. That the civil rights of Bishop Dionisije have been violated by the Court's giving full force and effect to the determinations of the Yugoslavian Court.

13. That the Court infringed the rights of Bishop Dionisije to due process, equal protection and the privileges and immunities of American citizenship by finding in his Memorandum Decision that the Bishop was under a duty to attend an alleged hearing in Yugoslavia when he had received no notice of the hearing and the President of Yugoslavia had declared His Grace an enemy of the Yugoslavian State.

14. That the Court erred by refusing testimony and exhibits which suggested the extreme risk of imprisonment for Bishop Dionisije if he went to Yugoslavia.

15. That the Court erred by punishing Bishop Dionisije for not attending meetings of the Bishop's Assembly in Belgrad despite the undisputed evidence that His Grace was not convicted or charged with failure to attend.

16. That the Court found Bishop Dionisije's attitude was "one of defiance of the Holy See" and this finding is unsupported in the evidence unless the Court refers to His Grace's refusal to cease speaking against Communism and such a finding infringes the First and Fourteenth Amendments to the United States Constitution.

17. That paragraph 15 of the Decree interjects the Court into ecclesiastical determinations by requiring the Court, in the enforcement of its Decree, to determine who was or is now "faithful" and requires property rights to be dependent upon such a determination.

18. That the Decree, in violation of the First Amendment, on page 11 requires the Defendants to recognize "Bishop Firmilian" although a previous paragraph finds that the appointment of Bishop Firmilian to the status of Diocesan Bishop was a null and void act.

19. That the Court, in explicit disregard of the absolute constitutional prohibition upon state authorities, has established a new religious organization and ordered a previously voluntary religious corporation and its members to profess loyalty to certain religious authorities as a condition precedent to participation in the organization.

20. That the Court, in violation of the constitutional rights of Due Process and Freedom of Association, forces the Illinois Religious corporation to profess loyalty to a foreign religious organization without requiring the foreign organization to recognize the existence of or Constitutional (Diocesan) Rights of the Illinois Religious Corporation.

21. That the Court erred in failing to recognize the right of a religious corporation to withdraw from a constitutional relationship with another foreign religious organization upon material and substantial alterations of the relationship by the foreign religious organization.

22. That the Court establishes a religion by forcing the Illinois Religious Corporation to religiously associate with unknown persons who have not been received as members pursuant to the Constitution of the Diocese.

William A. Holmquist
(signature illegible)

IN THE
CIRCUIT COURT OF LAKE COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

(title omitted in printing)

PLAINTIFFS' MOTION FOR POSSESSION

Now come Plaintiffs by their attorneys and respectfully move that an order be entered herein requiring the Defendant, Dionisije Milivojevich, to vacate the residence, now occupied by him at the St. Sava Monastary, Libertyville, Illinois, and to deliver possession thereof together with all diocesan books and records in his control or in his possession to the Administrator of the Serbian Eastern Orthodox Diocese for the United States of America and Canada pursuant to Paragraph 2 of the decretal portion of the Decree entered in this cause on April 30th, 1973.

Jenner & Block
Katz, Karacic & Mansfield
Hall, Meyer, Fisher, Holmberg,
Snook & May
By *Henry D. Fisher*
Attorneys for Plaintiffs

IN THE
CIRCUIT COURT OF LAKE COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

(title omitted in printing)

ORDER

This cause coming on to be heard upon the Motions of Defendants for Stay or Supersedeas Bond, to Reconsider, and the Objections of Plaintiffs thereto and Plaintiffs' Motion for Possession; and it appearing that due notice of the hearing of all of said Motions has been given to the parties entitled thereto; and the Court having heard the arguments of counsel and being fully advised in the premises;

It Is Ordered, Adjudged and Decreed as follows:

1. That the Motion of Defendants to Reconsider is denied.

2. That the Motion of Defendants for Stay or Supersedeas Bond is denied.

3. That Plaintiffs' Motion for Possession be and the same is hereby continued to the 19th day of June, 1973 at the hour of 2:00 P.M. at which time any additional Motions of Defendants for Supersedeas Bond will be heard. Dated this 30th day of May, 1973.

ENTER:
L. Eric Carey
Judge

(approval as to form omitted)

IN THE
CIRCUIT COURT OF LAKE COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION
(title omitted in printing)

SUPERSEDEAS ORDER

This matter coming on upon the Notice and presentment of the Supersedeas Bond by the Defendant-Appellants herein, and the Court having heretofore, approved said Bond and the conditions thereof, and said Bond having in all respects been filed with the Clerk;

It Is Hereby Ordered, Adjudged And Decreed that the force and effect of Paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19 and 20 of the Court's findings and Paragraphs 1, 2, 3, 4, 5, 6, 8 and 10 of the Decretal portion of the Decree entered April 30, 1973 in this cause and described in the Notice of Appeal filed in this Court by the Defendant-Appellants, has been stayed pending Appeal and enforcement of said provisions is hereby suspended.

Enter this 23rd day of July, 1973.

L. Eric Carey
Judge

Opinion of the Supreme Court of Illinois

No. 46670

THE SERBIAN EASTERN ORTHODOX DIOCESE FOR THE UNITED STATES OF AMERICA AND CANADA et al., Appellees, v. DIONISIJE MILIVOJEVICH et al., Appellants.

Opinion filed March 24, 1975. — Rehearing denied May 29, 1975.

MR. JUSTICE KLUCZYNSKI delivered the opinion of the court:

This is a direct appeal granted under Supreme Court Rule 302(b) (50 Ill.2d R. 302(b)) from a judgment of the circuit court of Lake County principally involving a dispute over the control of the Serbian Eastern Orthodox Diocese for the United States of America and Canada (hereinafter the American-Canadian Diocese or the Diocese) and the property and assets of that diocese. The parties, as they are presently constituted, are as follows:

Plaintiffs:	Defendants:
Bishop Firmilian Ocokoljich	Bishop Dionisije Milivojevich
Bishop Gregory Udicki	Serbian Orthodox Monastery of St. Sava (monastery corporation)
Bishop Sava Vukovich	
Serbian Eastern Orthodox Diocese for the United States of America and Canada (the religious body in this country)	Serbian Eastern Orthodox Diocese for the United States of American and Canada (an Illinois religious corporation)

Plaintiffs sought, in part, to have the trial court find that Bishop Dionisije had been removed as bishop of the Diocese, that the Diocese had been reorganized into three new

dioceses, and that the three bishops be granted control of the Diocese [sic] and its property. Defendants filed a counterclaim seeking, among other relief, an injunction to prevent the plaintiffs from interfering with the assets of the defendant corporations. The circuit court held, in pertinent part, that Bishop Dionisije had properly been removed as bishop of the American-Canadian Diocese, that the reorganization of the Diocese into three new dioceses was illegal and invalid, and that only Bishop Firmilian as the duly appointed administrator of the Diocese could exercise authority over the Diocese and its property. Both plaintiffs and defendants appeal the trial court decision.

This case was originally filed in 1963 by the present defendants, and the plaintiffs countered by filing a separate complaint. Both parties sought the same relief as was stated above. The trial court consolidated the actions and, based upon the pleadings, depositions and affidavits, granted the defendants herein summary judgment and dismissed the complaint of the plaintiffs. On appeal, the appellate court reversed the summary judgment and the order dismissing the complaint, and remanded the cause with directions for a full hearing on the merits. (*Serbian Eastern Orthodox Diocese for United States of America and Canada* v. *Ocokoljich*, 72 Ill. App. 2d 444, *appeal denied*, 34 Ill.2d 631.) On remand and over defendants' objection, the trial court allowed the Serbian Eastern Orthodox Diocese for the United States of America and Canada, the religious body in this country, to be designated a party plaintiff.

The similarity of certain named parties involved in this appeal requires some clarification prior to any understandable recitation of the facts. In addition to the last-named plaintiff and the last-named defendant as previously set forth, there is the entity which is the subject of this controversy, the Serbian Eastern Orthodox Diocese for the

United States of America and Canada (the American-Canadian Diocese). The trial court on remand made certain findings of fact as to the existence of these parties, namely, that the Illinois religious corporation is a secular arm of the American-Canadian Diocese, and that the religious body in this country is a religious body duly organized and existing since 1921. The trial court, thus, found that the religious body in this country was synonymous with the American-Canadian Diocese. We conclude, however, that these findings are contrary to the manifest weight of the evidence, and they are, therefore, set aside. (*Turner* v. *Board of Education,* 54 Ill.2d 68, 72-73; *Kenny Construction Co.* v. *Metropolitan Sanitary District,* 52 Ill.2d 187, 196.) It is unnecessary at this point to relate the facts which form the basis of our determination, since the factual recitation which follows amply discloses that basis. The American-Canadian Diocese and the Illinois religious corporation (the last-named defendant) are one and the same as of the time of the Diocese's incorporation in May, 1935. If a distinction is to be made between the organizational entity of the Diocese and the individual church members of the Diocese when viewed as a common group, the latter could properly be referred to as a religious body. We do not infer, however, that this latter entity is represented by any of the plaintiffs in this action. The subject of this controversy and a party defendant is the American-Canadian Diocese organized as an Illinois religious corporation.

The complete factual background essential for an understanding of this case is not in all respects certain, since the parties are in dispute concerning it, and the trial court entered its findings of fact only as to those facts upon which it based its decision. We will recite the complete factual background as we understand it from the record and the briefs submitted by the parties. However, as to the testimony of the numerous witnesses in the trial court, we will recite only that testimony we deem necessary for a complete determination of the issues on appeal.

In the 1890's, persons of Serbian descent migrated to North America, where they formed completely autonomous religious congregations throughout the United States and Canada. Until 1920 these Serbian Orthodox churches were under the jurisdiction of the Russian Orthodox Church, the oldest Orthodox church in this hemisphere. The Russian Orthodox Church, however, was burdened with its own requirements and was unable to care for the local Serbian needs. The minutes of early meetings of Serbian priests and people held in 1913 and 1916 indicate a strong desire by these people to have their churches in America under the jurisdiction of the Serbian Orthodox Church with its See in what is now Belgrade, Yugoslavia.

In 1913 a meeting of Serbian priests and people was called for the purpose of organizing the Serbian Orthodox Church in North America. During this meeting a constitution was drafted and accepted. Article 4 of this constitution provided that the Serbian Orthodox Church in the United States was to have its own Church National Representation and Church National Governing Body and that it would govern autonomously in matters of church, school, education and property.

In 1916 a Serbian Priests' Assembly was held and presided over by Bishop Evdokim of the Russian Orthodox Church. Business and problems facing the Serbian churches in America were discussed and resolved. A "Normal Constitution for the North American Orthodox Diocese" of 1909, apparently a constitution taken from the Russian Orthodox Church, was accepted by the priests' assembly with the necessary revisions to delete the references to the

Russian Orthodox Church and refer instead to the Serbian Orthodox Church. It was also decided that several paragraphs would be added to this constitution to describe the duties of the Bishop's Aides. The 32 Serbian Orthodox parishes existing in the United States at the time of this meeting were divided into 4 presbyteries or divisions: Eastern, Middle, First Western, and Second Western. The Bishop's Aides were four Serbian priests elected to accept jurisdiction over the four presbyteries and to act as mediators between the bishop and the people.

In 1917 the Russian Orthodox Church sent Father Mardary Uskokovich (a Serbian educated in Russian Orthodox seminaries) to America with instructions to organize an independent Serbian diocese. Four years later the Holy Assembly of Bishops of the Serbian Orthodox Church sent a delegation to America to determine the status of the Serbian parishes. Apparently as a result of Father Mardary's efforts and the report of the delegation, the Serbian Orthodox Church recognized that the necessary structure was present in America for establishing a diocese, and designated a Serbian bishop to carry out the formal organization of a diocese. The designated bishop, however, did not become a permanent resident of the United States, and Father Mardary was appointed as Resident Administrator of the Diocese until his election as bishop of the Diocese by the Holy Assembly of Bishops in 1925.

In 1927 Bishop Mardary organized under the laws of Illinois a not-for-profit corporation named the Serbian Eastern Orthodox Diocese Council for the United States and Canada. The purpose of this corporation was to hold title to 30 acres of property in Libertyville, Illinois, which the bishop had purchased in 1924. The charter of this corporation was permitted to lapse, and, shortly before Bishop Mardary's death in 1935, the American-Canadian Diocese was incorporated pursuant to provisions of the Illinois Religious Corporation Act (Ill. Rev. Stat. 1973, ch. 32, pars. 176 through 188) under the name of the Serbian Eastern Orthodox Diocese for the United States of America and Canada.

Acting under his authority as diocesan bishop, Bishop Mardary called the First Church National Assembly meeting, also known as a Sabor, for September 1, 1927. The invitation to this assembly was sent to all of the known Serbian Orthodox churches in the United States and Canada with the stated purpose of uniting them under one constitution. At the assembly meeting the constitution of the Serbian Orthodox Diocese for the United States of America and Canada was drafted and adopted.

Article I of the constitution provides that the American-Canadian Diocese "is considered ecclesiastically-judicially as an organic part of the Serbian Patriarchate in the Kingdom of Yugoslavia." Article 3 states that "the jurisdiction of the Serbian Orthodox Diocese *** includes the entire political territory of the United States of America and Canada, which as such *by its geographical location enjoys full administrative freedom and accordingly, it can independently regulate and rule the activities of its church, school and other diocesan institutions and all funds and beneficiaries, through its organs*, but in accordance with the laws of the constitution and in agreement with the laws of the United States [of America] and Canada." (Emphasis added.) Other pertinent provisions of the constitution provide that the bishop of the American-Canadian Diocese is appointed by the Holy Assembly of Bishops of the Serbian Patriarchate (article 9). When the seat of the diocesan bishop is vacated, the administration of the Diocese in spiritual and administrative matters is upheld by the Diocesan Ecclesiastical Court and the Diocesan Council until the ap-

pointment of an administrator by the Serbian Patriarch (article 13). The Diocesan National Assembly is the highest legislative and administrative authority of the American-Canadian Diocese with its executive and administrative organ being the Diocesan Council (article 5). The Diocesan National Assembly, which meets every third year in the month of September or on a day designated by the diocesan bishop (article 20), is composed basically of two delegates from every Serbian church-school congregation, all Serbian clergy, the diocesan bishop and the Diocesan Council (article 16). The diocesan bishop is the president of the Diocesan National Assembly (article 22) and the Diocesan Council (article 30). A function of the Diocesan National Assembly is to decide on changes and amendments to the constitution "with the approval of the Holy Bishops' Assembly of the Serbian Patriarchate." Article 23.

The constitution further provides that the property of the individual church-school congregation belongs exclusively to that congregation with no diocesan rights to it (article 147). All property owned by the American-Canadian Diocese is to serve "exclusively for the purpose designated by the statutes of this [C]onstitution and cannot be used for any other purpose." Article 149.

Following its adoption by the Diocesan National Assembly, the constitution was submitted for approval to the Holy Assembly of Bishops of the Serbian Orthodox Church. In 1928 the Holy Assembly approved the "autonomous administration" of the American-Canadian Diocese, but struck an initial provision which provided that the Diocesan National Assembly would elect its own bishop. It inserted the present article 9, which provides that the Holy Assembly appoints the diocesan bishop. The Holy Assembly also insisted that, as a condition for approval, all amendments

to the constitution initiated only by the Diocesan National Assembly would require the approval of the Holy Assembly. The diocesan constitution, as then approved by the Holy Assembly of Bishops, remains, in substance, in force and effect today. It is undisputed that the Diocese thereby became the only diocese in the Serbian Orthodox Church with its own constitution.

In 1945, the property located in Libertyville, which had come to be called the St. Sava Monastery, was transferred to an Illinois not-for-profit corporation organized under the name of the Serbian Orthodox Monastery of St. Sava (monastery corporation). The bylaws of this corporation provide that it is an autonomous Serbian Church institution, and that it "possesses its own property which cannot be disposed of, sold, mortgaged or otherwise conveyed by any Serbian Church authority, without the consent and approval of the Diocesan Council, headed by the Bishop and the Diocesan Church convention." (Bylaw 2.) They further provide that the president of the Board of Directors is the canonical bishop of the Diocese "received as such by the Diocesan Council *** Church Court and *** Convention." (Bylaw 6.) In addition to the monastery corporation, two other not-for-profit corporations organized under the respective laws of California and Pennsylvania hold title to large parcels of property located in these two States.

The Serbian Orthodox Church with its See in Belgrade, Yugoslavia, is one of the 14 autocephalous churches resulting from the great schism in 1054 when the universal Christian church was divided into the churches of the west (the Roman Catholic Church) and the churches of the east (the Orthodox Church). In 1931 the Serbian Orthodox Church adopted a constitution which was substantially revised in 1947 due to changes in its relationship with the

communist government of Yugoslavia. Subsequent amendments to the revised constitution are not pertinent to this controversy except for the amendment of May 10, 1963.

The Serbian Orthodox Constitution provides, in pertinent part, that the Serbian Orthodox Church is autocephalous and governs and regulates independently all of its religious affairs, and that it maintains dogmatic and canonical unity with all other Orthodox churches (article 1). The church has the rank of Patriarchate (article 2). Article 10 states that in the Serbian Orthodox Church there are six levels of church hierarchical and administrative authorities, bodies and organs. The highest two levels are relevant here. The first level consists of the Patriarch, Holy Bishop's Council and Holy Synod, High Ecclesiastical Court, Patriarchal Council and Patriarch[al] Board. The second level consists of the diocesan bishop, diocesan ecclesiastical court, diocesan council and executive board. Article 12 states that the Serbian Orthodox Church is episcopal, with its main administrative division composed of dioceses, both in respect to church hierarch[ic]al and church administrative aspects. Article 14 lists 24 dioceses which are "the dioceses in the Serbian Orthodox Church." Article 15 then provides that in addition to those dioceses already mentioned there are, "under the jurisdiction of the Serbian Orthodox Church in spiritual and hierarchical aspect," dioceses outside the country. Among those listed is "The Serbian Orthodox Church in the United States of America and Canada, with its seat in Chicago or in the monastery of St. Sava, at Libertyville, Illinois." Article 16 states that "(d)ecisions of establishing, naming, liquidating, reorganizing, and the seat of the dioceses *** are decided upon by the Holy Council of Bishops, in agreement with the Patriarchal Council."

The church's governing functions are divided among three entities. The Holy Assembly of Bishops, also referred to as the Holy Bishop's Council, meets once a year and is the legislative body composed of the bishops of the various dioceses (articles 57, 69). The Holy Synod of Bishops is the executive body composed of four bishops and the Patriarch (articles 59, 70). The Patriarch, who is the presiding officer of both the Holy Assembly and the Holy Synod, is also a bishop and is considered the "first among equals."

The Supreme Ecclesiastical Court supervises the judicial authority of the church (article 7). However, special judicial authority is vested in the Holy Synod and the Holy Assembly for particular cases. Articles 57, 59.

In 1961 the Serbian Orthodox Church adopted a revised penal code for Ecclesiastical Courts which detailed the offenses, procedures and punishments of the church. The provisions of this code relevant to the issues raised on appeal will be discussed as they are pertinent.

Bishop Dionisije Milivojevich was elected Bishop of the American-Canadian Diocese in 1939 by the Holy Assembly of Bishops. As early as 1951 Bishop Dionisije requested the Patriarch and the Holy Assembly of Bishops to appoint assistant or vicar bishops to the American-Canadian Diocese. The Diocese, with its church-school congregations, was expanding, and Bishop Dionisije believed that the geographical boundaries of the Diocese should be increased by the addition of South America. These requests and similar requests continued until 1960, when the Diocesan National Assembly formed the opinion that the Diocese should be elevated to the rank of Metropolia and that two or three vicar bishops should be appointed under Bishop Dionisije. In the spring of 1962 a delegation from the Diocese was sent to the Patriarchate to discuss this matter, and on June 12, 1962, the Holy Assembly of Bishops directed the Holy

Synod to appoint a delegation to visit the United States and study the proposals. Bishop Dionisije made it quite clear in a letter to the Patriarch on July 30, 1962, that he was opposed to any reorganization of the Diocese into several dioceses as had previously been suggested. Bishop Dionisije expressed doubt that the people of the Diocese would accept such a division.

Tangential to the issue of the reorganization of the Diocese was a second issue—the charges and accusations against Bishop Dionisije for personal misconduct. As early as his appointment as diocesan bishop, and throughout his administration, letters were written to the Holy Synod challenging Bishop Dionisije's fitness to serve as bishop and control the Diocese. Consequently, the delegation appointed in June, 1962, by the Holy Synod was also instructed to make a study of the charges and accusations against Bishop Dionisije.

The delegation arrived in September, 1962, and visited throughout the Diocese for approximately three months. Among its pertinent recommendations, the delegation advised the Holy Synod that vicar bishops should be assigned to the American-Canadian Diocese and that a commission should be appointed to investigate the accusations against Bishop Dionisije.

On May 10, 1963, the Holy Assembly of Bishops met and at its morning session considered the complaints against Bishop Dionisije that had been sent to the Holy Synod and those that had been brought back by the 1962 delegation. It recommended that the Holy Synod initiate disciplinary proceedings against Bishop Dionisije. The Holy Assembly then recessed its meeting while the Holy Synod met, suspended Bishop Dionisije and appointed Bishop Firmilian, who held the rank of Arch[i]mandrite, as administrator of the American-Canadian Diocese. The Holy

Assembly then resumed its meeting and, purporting to act upon the basis of article 16, amended the constitution of the Serbian Orthodox Church by deleting mention of the American-Canadian Diocese from article 15. In substitution, the Holy Assembly added articles 15—1 to 15—3, which attempted to establish in the territory of the American-Canadian Diocese three new dioceses: the Middle Western, the Western and the Middle Eastern. Bishop Dionisije, still under suspension, was transferred to the Middle Western Diocese. Seven days after this reorganization, the Holy Synod appointed as temporary administrators for the respective new dioceses Arch[i]mandrites Firmilian, Gregory and Stefan.

Upon learning of the Holy Assembly's action, Bishop Dionisije refused to accept the division of the Diocese, since the reorganization purportedly disregarded the autonomy provided for in the diocesan constitution and the action was taken without the agreement of the people of the Diocese. He also refused to accept his suspension, claiming that he was not given a prior hearing as required by the constitution of the Serbian Orthodox Church or the church's penal code. The Diocesan Council informed the Holy Synod on June 9, 1963, that the rejection or acceptance of this division would be decided by the Diocesan National Assembly which was originally scheduled to meet in October, 1963, but which would now meet in early August to consider this question. The Diocesan Council also petitioned the Holy Synod to send a committee to investigate the charges against Bishop Dionisije as soon as possible, since no changes would be made in the administration of the Diocese prior to the Diocesan National Assembly meeting.

The Holy Synod appointed a commission to investigate the charges against Bishop Dionisije on June 13, 1963. The commission met with Bishop Dionisije on July 5, 1963, at which time the bishop repeated his refusal to recognize the division of the American-Canadian Diocese or his suspension, and demanded written copies of all the charges against him. The commission, which had all the written charges in its possession, refused to show the bishop the charges on the basis that his refusal to accept the decisions of the higher church authorities was sufficient to establish his wrongful conduct without the need to investigate the personal charges against him. Prior to the meeting with Bishop Dionisije, the commission had made no investigation of any of the charges. Following this meeting, according to the testimony of one member of the commission, no investigation was conducted, while another member stated that the commission did receive further charges and spoke with some accusers. On July 6, 1963, the commission issued a proclamation which, in effect, stated that Bishop Dionisije was guilty of violations meriting the stripping of his episcopal rank and his excommunication from the church. The commission called upon all faithful Serbian people not to recognize the bishop, but rather to subordinate themselves to the administrators appointed by the Holy Synod.

On July 27, 1963, a special session of the Holy Assembly of Bishops met to consider the report given by a member of the investigation commission. The report recited, among other points, that Bishop Dionisije refused to accept the decisions of the Holy Assembly and Holy Synod dividing the one diocese into three, and suspending and removing him from governing the Diocese. It stated Bishop Dionisije would not recognize the court of the Holy Synod, nor would he recognize its judicial competence.

The report recommended that Bishop Dionisije be deposed as diocesan bishop. The Holy Assembly voted to adopt the report and decision of the investigation commission. Bishop Firmilian was then elected bishop of the Middle Western Diocese.

In August, 1963, the emergency session of the Diocesan National Assembly met and issued a resolution refusing to recognize the validity of the decisions of the Holy Assembly and the Holy Synod regarding the division of the American-Canadian Diocese. The National Assembly demanded the revocation of these decisions and adjourned its meeting until November to provide time for the Holy Assembly to withdraw its decisions. The Holy Assembly refused to reconsider, and in November the Diocesan National Assembly declared the American-Canadian Diocese completely autonomous and, as such, refused to comply with orders issued by the Holy Assembly. Moreover, the National Assembly reinstated those provisions of the diocesan constitution allowing the diocese to elect its own bishop and amend its constitution without prior approval of the Holy Assembly.

During September, 1963, the Holy Synod appointed a prosecutor to draft an indictment against Bishop Dionisije based upon the charges received by the Holy Synod and the investigation commission. The indictment was sent to the bishop, and in November he wrote to the Holy Synod requesting, under article 67 of the Penal Code, copies of the "enclosures" referred to in the indictment, which were the written complaints and letters from his accusers. The indictment, as evidenced by the enclosures submitted before the trial court, was based, in part, upon unsigned letters and complaints, many of which failed to state the time or place of the alleged offense. Bishop Dionisije also requested a 6-month extension to answer the indictment, because it was extremely long (37 pages) and he was

recuperating from a recent automobile accident. In December, the Holy Synod refused the request to provide the "enclosures" but granted a 30-day extension in which to answer the indictment. Bishop Dionisije returned the indictment in January, 1964, stating that he could not answer the indictment without the "enclosures," that the Holy Synod and the Holy Assembly were violating the church penal code and constitution, that no investigation had been made, and that he could not bring his witnesses to Belgrade for trial.

On March 5, 1964, the indictment was verbally amended by the prosecutor before the Holy Assembly to include the alleged offenses Bishop Dionisije had committed since the indictment was drafted. These alleged offenses were his joining with the Diocesan National Assembly to declare the American-Canadian Diocese completely autonomous and to set up a hierarchy outside of the Serbian Orthodox Church by the election and consecration of a diocesan-chosen bishop. By the Holy Assembly's decision, a copy of the amended indictment was not forwarded to Bishop Dionisije on the basis that he had refused to answer the first indictment. Bishop Dionisije also was not informed of this meeting. The Holy Assembly considered the original indictment and the amended indictment and found Bishop Dionisije guilty of all charges. He was divested of his episcopal and monastic ranks and returned to the status of a layman. Among those who voted on the question of Bishop Dionisije's guilt were bishops who had been either members of the 1962 delegation to the American-Canadian Diocese, which had received charges against Bishop Dionisije, or members of the 1963 investigation commission. The bishop who had been appointed prosecutor and who had drafted the indictment also took part in the vote.

The Holy Assembly at this time also declared the meeting of the Diocesan National Assembly in August and November, 1963, illegal, since it was presided over by the deposed Bishop Dionisije contrary to the constitution of the American-Canadian Diocese. It proclaimed that all decisions made by the National Assembly were unlawful and unconstitutional.

On remand of this case (72 Ill. App. 2d 444) to the trial court for a hearing on the merits, testimony was presented as to the correctness of the proceedings against Bishop Dionisije under the constitution and the penal code of the Serbian Orthodox Church.

Bishop Visarion Kostich, a member of the 1963 investigation commission and the author of the penal code, testified that in 1963 the constitution of the Serbian Orthodox Church provided that canonical offenses of a bishop were to be judged by the Holy Synod as the court of "first instance" (article 70). Under article 69 the Holy Assembly of Bishops was to review appeals from the decisions of the Holy Synod, and it was the court of "second instance" in the case of a bishop. He stated, however, that though the constitution was in full force and effect in 1963, the provisions of article 70 were never applied. Moreover, he asserted that the Holy Assembly can take upon itself the privilege of adjudicating a case. Articles 69 and 70 have been amended since the proceedings against Bishop Dionisije to provide that canonical offenses of a bishop are judged by the Holy Assembly.

Bishop Visarion testified that the meeting of the Holy Assembly on July 27, 1963, did not consider the guilt or the charges against Bishop Dionisije. Rather, it considered whether Bishop Dionisije had violated his episcopal oath, which was interpreted as a condition required for a dio-

cesan bishop under article 104 of the Serbian Orthodox Constitution. Bishop Visarion stated that no canonical verdict was rendered against Bishop Dionisije by the Holy Assembly, but a decision was made to relieve him of duties under article 111 of the constitution. Article 111 provides for removal of a diocesan bishop only by canonical verdict or for release upon proof of the loss of a condition under article 104. Bishop Visarion admitted that contrary to article 67 of the penal code no charges had been served on Bishop Dionisije prior to the July 27, 1963, meeting of the Holy Assembly. He stated that though the penal code requires that charges against an accused specify the time, place and manner of offense, certain allegations in the indictment against Bishop Dionisije failed to meet this requirement. The Holy Assembly, however, found that from the formal respects everything was in order, and that determination, Bishop Visarion maintained, was the Holy Assembly's right.

Bishop Visarion was recalled as a witness just over one year after his initial testimony in this case. At that time he testified that canonical offenses of a bishop are not judged in the first instance by the Holy Synod and that there is no provision in the constitution so requiring. He stated that the Holy Synod merely investigates the matter, examines the complaint, the indictment and the reply, and forwards the matter to the Holy Assembly. Bishop Visarion testified that article 65 of the penal code pertains to due process in penal matters, and it provides that unsigned submissions "shall not in any case be taken into consideration or process." He explained that this does not prohibit unsigned complaints from being considered by the investigators, but refers solely to documents submitted in court. He interpreted the penal code as not requiring that

the complaints or documents identified in the indictment be forwarded to the accused, but as requiring that only the text of the indictment need be sent. Bishop Visarion further stated that Bishop Dionisije was not notified of or invited to the March 5, 1964, meeting of the Holy Assembly at which he was defrocked, nor was he served with a copy of the amended indictment upon which the Holy Assembly voted. He asserted that nothing was improper by this action since Bishop Dionisije had placed himself outside the church by refusing to take part in the proceedings. Bishop Visarion, who participated in the Holy Assembly meeting and signed the judgment against Bishop Dionisije, was of the opinion that it was not improper for a person to vote on the judgment though that person had participated in the investigation or was personally interested in the matter.

Father John Meyendorff, a priest of the Russian Orthodox Church and a professor of patristics and church history, testified for plaintiffs as an expert witness on ecclesiastical law and procedure. He stated that he examined the constitution of the Serbian Orthodox Church and the constitution of the American-Canadian Diocese, and studied the orders and decision of the Holy Assembly in 1963 respecting the suspension, deposition and defrockment of Bishop Dionisije. In his opinion Bishop Dionisije was properly suspended, deposed and defrocked. He was aware that the bishop who prepared the indictment against Bishop Dionisije participated in the March, 1964, meeting of the Holy Assembly at which Bishop Dionisije was defrocked. He stated, however, this made no difference in his opinion, because he knew of no church rule which prohibited this. In his view, the bishop had a duty to vote on an issue of such importance.

On cross-examination he testified that in forming his opinion he assumed the action against Bishop Dionisije was taken by men of good spirit under the rules of the Serbian Orthodox Church. He stated that having read the indictment against Bishop Dionisije he assumed the charges, by and large, were true, and that this assumption was part of the basis for his opinion. He further stated that a very important element in forming his opinion was the consensus among the Orthodox churches and bishops that the suspension, deposition and defrockment of Bishop Dionisije were valid. A suspension, he related, was a temporary measure of general practice under canon law when a person is called for trial. Father Meyendorff admitted he had not read and was not familiar with the penal code of the Serbian Orthodox Church. In giving his opinion he did not consider whether or not the proceedings against Bishop Dionisije complied with the penal code. Having familiarized himself with the exhibits, he stated that his impression was that the procedures were correct. He further testified that procedural rules are obligatory on the body which issued and applied them.

During cross-examination Father Meyendorff was asked to read a plaintiffs' exhibit which was a translation of an excerpt of the minutes of the meeting of the Holy Assembly on July 27, 1963, when Bishop Dionisije was deposed. In regard to this exhibit, which he referred to as relating to the deposition of Bishop Dionisije, he stated the text definitely implied that the action against Bishop Dionisije was an ecclesiastical punishment or reprimand, though the text did not defrock or impose a penance on him. The exhibit indicated that the Holy Assembly sat in judgment of Bishop Dionisije and removed him as diocesan bishop for cause.

Father Meyendorff stated that a bishop is the defender and advocate of religious and doctrinal matters in the diocese. He testified that there were instances in Orthodox Church history where a bishop severed ties with the Orthodox Church in defense of his diocese. As an example of this, Father Meyendorff referred to his own church, the Russian Orthodox Church in America, which broke ties with the Patriarch of Moscow.

On redirect examination, Father Meyendorff stated that he had an opportunity during a recess in the trial to read two paragraphs of the penal code referred to in the deposition of Bishop Dionisije. While the record is unclear, the two paragraphs were apparently article 67, which deals with due process, and article 90, which covers the jurisdiction of the Holy Assembly and the Holy Synod in cases involving a bishop. Father Meyendorff testified that having read these paragraphs he still maintained that the proceedings against Bishop Dionisije were proper.

Father Zivan Stefanovic, who served as referent in legal matters to the Holy Synod from 1952 until 1965, and was editor of the *Herald,* an official journal of the Serbian Orthodox Church, from 1955 until 1965, was recognized by the court as an expert in the interpretation of the penal code. Father Stefanovic testified that in cases involving bishops the constitution envisioned the Holy Synod as the court of first instance and the Holy Assembly as the court of second instance. He referred to articles 70.35 and 69.27B of the constitution, which provide for these respective courts. Article 63 of the penal code provides for the judgment of a bishop and repeats, in substance, the regulations of the constitution. He stated that article 63 requires the court of first instance to make a decision in the case under consideration. Article 64 of the penal code provides that

the court which had jurisdiction for starting a procedure retains jurisdiction until the end of the procedure. He further stated that under article 69.27 of the constitution and article 78 of the penal code judgments of the court of first instance are appealable to the court of second instance. Father Stefanovic testified that under articles 77 and 124 of the constitution and articles 82.2 and 82.3 of the penal code certain members are prohibited from participating in the judgment of a case when the Holy Synod acts as a court. The same articles apply to the Holy Assembly when it acts as a court. These articles refer to persons who participated in the investigation, were personally interested or were disqualified from the deliberations.

Father Stefanovic said that article 67 of the penal code provides an accused with the right to receive the complaints against him. He testified that during 1963 and 1964 the Serbian Orthodox Church was in the practice of providing copies of the complaints to the accused under this article. During the 30 years he was involved in court proceedings, there was never an occasion when an accused was not provided with the written complaints to which he could reply. Father Stefanovic asserted that under article 67 of the penal code the proper procedure for conducting an investigation requires the investigator to set up a time and place for the accused and witnesses to appear before him at a hearing. The witnesses are called individually to explain what they saw, heard or experienced, and the accused is then given an opportunity, through the investigator, to request further explanation. Unsigned complaints, he stated, cannot even be given to the investigator under article 65 of the penal code.

Father Stefanovic testified he knew of no case in the Serbian Orthodox Church where a bishop was removed

from a diocese without his consent or agreement. He stated that under article 217 of the constitution a clergyman or bishop can be transferred into another parish or diocese only after the judgment of a church court, and under article 111 a bishop can be removed only by canonical verdict resulting from a trial by the Holy Synod in the first instance. He stated further that articles 216 and 217 of the constitution and article 55 of the penal code provide penalties for offenses of a serious nature, which include transfer to another place of service, and loss of a place of service for those who are not parish priests. Under article 218 of the constitution and the third paragraph of article 67 of the penal code, no one can incur any church penalty without a prior hearing. Father Stefanovic said that article 71 of the penal code mandates the steps the Holy Synod must take when it acts as a court. It must consider all documents and, on the basis thereof, vote first on the issue of guilt and, finally, on the question of punishment.

During his testimony Father Stefanovic related his contact with the proceedings against Bishop Dionisije. Among these incidents, he stated he was called by the Holy Synod on December 10, 1963, along with a theology professor to give an expert opinion as to the offenses of Bishop Dionisije. He was asked whether the written complaints should be furnished to Bishop Dionisije as he had requested. Father Stefanovic told the Holy Synod that the written complaints should be furnished, since the penal code and the practice in previous years dictated it. Following this occurrence, Father Stefanovic had no further contact with the proceedings until March, 1964, when he was told the decision of the Holy Assembly and was assigned to draft the formal judgment.

Father Stefanovic gave his opinion as to the proceedings against Bishop Dionisije. He stated that under the Serbian Orthodox Constitution and the penal code the Holy Assembly could not transfer Bishop Dionisije to a newly created diocese without a previous hearing, investigation and judgment brought by the Holy Synod. The process of the investigation commission did not conform with the law of procedure, since the commission did not hold a hearing of witnesses or collect proof of the charges. The accusations and allegations against Bishop Dionisije were taken as evidence when, in fact, these complaints had to be proved. Moreover, Bishop Dionisije was not given an opportunity to answer all the accusations, nor did he receive proof of the charges which were used to describe his offenses and upon which the judgment was based. Father Stefanovic maintained that Bishop Dionisije could not be deposed from his diocese before the Holy Synod entered judgment that his transgressions were proved and that he was to be punished by deposition. Bishop Dionisije was not furnished with a copy of the amended indictment, which contained the most serious offenses, before it was submitted to the Holy Assembly. Father Stefanovic stated that even assuming the Holy Assembly was competent to judge Bishop Dionisije in the first instance, it should not have considered the amended indictment, since the prosecution did not follow the prescribed procedure. It was noted that the indictment itself provided on the first page that the Holy Synod was authorized under the constitution and the penal code of the Serbian Orthodox Church to judge in the first instance the case of Bishop Dionisije. Father Stefanovic concluded that the defrockment was improper because the Holy Assembly acted as the court of first instance in violation of article 70.35 of the Serbian Orthodox Constitution, and by this procedural violation Bishop Dionisije was precluded from having a court of second instance to which to appeal.

On cross-examination, in an apparent attempt to discredit Father Stefanovic's credibility, plaintiffs brought out that he was the subject of disciplinary proceedings by the Serbian Orthodox Church following his departure from Yugoslavia in 1965. During his cross-examination on the penal code, Father Stefanovic made reference apparently to article 66, which provides, basically, that if a person charged with a violation refuses to participate in the proceedings, then it is considered that he acknowledges the charges against him and due process will be concluded without his participation.

Numerous persons testified at trial who purportedly had witnessed or accused Bishop Dionisije of personal misconduct. These persons had all been named in the indictment or the enclosures to it. While it is unnecessary to relate the content of this testimony, since the trial court did not base its decision on the alleged personal transgressions of Bishop Dionisije, we note that the majority of these witnesses testified that they had no knowledge of any personal misconduct by Bishop Dionisije, had not made any accusations against the bishop, and had never been interviewed by the 1963 investigation commission. Between this majority and the minority who did testify as to personal misconduct by Bishop Dionisije, there were factual disputes as to the occurrence of the alleged specific incidents. Certain members of this minority group admitted that some accusations they had made were not based on personal knowledge, but on information they had received from other people. Some members of this minority were clergy, and they admitted that they had previously been disciplined by Bishop Dionisije. And, finally, certain members conceded that they had never been interviewed by the 1963 investigation commission.

Three primary issues are raised in this appeal. Bishop Dionisije challenges the validity of his transfer, deposition and defrockment. Secondly, plaintiffs contend that the Holy Assembly of Bishops had the power to reorganize the American-Canadian Diocese into three new dioceses. And, finally, the American-Canadian Diocese and the monastery corporation, defendants herein, argue that the relationship between the Serbian Orthodox Church and the Diocese has been terminated by either the attempted reorganization of the Diocese by the Holy Assembly of Bishops or by the November, 1963, resolutions of the Diocesan National Assembly. Antecedent to the first issue, and less specifically to the remaining issues, is the question whether the decision of the highest church authority can be reviewed by the civil courts.

Plaintiffs argue and defendant Bishop Dionisije does not dispute that the Serbian Orthodox Church is a hierarchical and episcopal church. Moreover, the parties agree that in cases involving hierarchical churches the decisions of the proper church tribunals on questions of discipline, faith or ecclesiastical rule, though affecting civil rights, are accepted as conclusive in disputes before the civil courts. (See *Watson* v. *Jones,* 80 U.S. (13 Wall.) 679, 727, 20 L. Ed. 666, 676; *Gonzalez* v. *Roman Catholic Archbishop,* 280 U.S. 1, 16, 74 L. Ed. 131, 137, 50 S. Ct. 5.) All parties maintain that the sole limitation on this rule, when civil courts may entertain the "narrowest kind of review," occurs when the decision of the church tribunal is claimed to have resulted from fraud, collusion or arbitrariness. (*Gonzalez* v. *Roman Catholic Archbishop,* 280 U.S. 1, 16, 74 L. Ed. 131, 137, 50 S. Ct. 5; *Presbyterian Church* v. *Mary Elizabeth Blue Hull Memorial Presbyterian Church,* 393 U.S. 440, 447, 451, 21 L. Ed. 2d 658, 664, 89 S. Ct. 601.) Plaintiffs assert that they are unable to cite any case wherein a court has interjected itself into a dispute on this basis. And plaintiffs urge that the trial court was correct in its finding that Bishop Dionisije failed to prove that his suspension, transfer, deposition and defrockment resulted from fraud, collusion or arbitrariness.

Having reviewed the record, we find that Bishop Visarion's testimony as to the correct procedure for trial of a bishop was contradictory, and Father Meyendorff's opinion in regard to Bishop Dionisije's deposition and defrockment was premised upon an assumption which did not consider the penal code. Conversely, Father Stefanovic, who served as legal referent to the Holy Synod and was obviously viewed by it as a legal expert, stated that Bishop Dionisije's transfer, deposition and defrockment were in violation of the constitution and the penal code of the Serbian Orthodox Church.

We note that while Bishop Visarion viewed the Holy Assembly's action on July 27, 1963, as a "release" of Bishop Dionisije under article 111 of the constitution and not as a removal, other witnesses were not in accord. Father Meyendorff, a witness called by the plaintiffs, referred to the Holy Assembly's action as the deposition of Bishop Dionisije and his removal from his duties in the American-Canadian Diocese. Father Stefanovic also viewed the action as a removal from the Diocese. Moreover, plaintiffs argue in their brief that the action was a proper "removal" under the constitution and the penal code of the Serbian Orthodox Church.

Article 66 of the penal code provides that if a person charged with a violation refuses to participate, due process will be concluded without his participation. The applica-

tion of this provision, however, must be viewed from the perspective that Bishop Dionisije refused to participate because he maintained that the proceedings against him were in violation of the constitution and the penal code of the Serbian Orthodox Church.

In determining the issue before us, this court has limited itself to the "narrowest kind of review," to what Justice Frankfurter referred to as "one aspect of the duty of courts to enforce the rights of members in an association, temporal or religious, according to the laws of that association." (*Kedroff* v. *St. Nicholas Cathedral of the Russian Orthodox Church in North America,* 344 U.S. 94, 122, 97 L. Ed. 120, 139, 140, 73 S. Ct. 143 (concurring opinion).) Similarly, this court recognized in *Schweiker* v. *Husser,* 146 Ill. 399, 415, 425, that the decisions of the highest church authority properly within the sphere of ecclesiastical matters are not binding upon civil courts if "they are clearly and manifestly repugnant to the established laws" of the church authority, or "in clear and palpable excess of its own jurisdiction • • •." Though this rule was expressed in *Schweiker* decades before the decision in either *Gonzalez* v. *Roman Catholic Archbishop,* 280 U.S. 1, 16, 74 L. Ed. 131, 137, 50 S. Ct. 5, or *Presbyterian Church* v. *Mary Elizabeth Blue Hull Memorial Presbyterian Church,* 393 U.S. 440, 447, 451, 21 L. Ed. 2d 658, 664, 89 S. Ct. 601, it is consistent with the limitation on judicial review enunciated by the United States Supreme Court in these later cases.

A detailed review of the evidence discloses that the proceedings resulting in Bishop Dionisije's removal and defrockment were not in accordance with the prescribed procedure of the constitution and the penal code of the

Serbian Orthodox Church. While plaintiffs have argued that the evidence demonstrated Bishop Dionsijie's defiant and dissident attitude toward the Serbian Orthodox Church, this, nevertheless, is not a factor in determining whether the prescribed church procedures were followed in the proceedings against him. Accordingly, the trial court's finding that Bishop Dionisije's removal and defrockment were not the result of arbitrariness must be set aside as contrary to the manifest weight of the evidence. The question of Bishop Dionisije's suspension under church procedure has not been challenged, and there is no evidence of impropriety in regard to it. Thus, the trial court's finding in this matter will not be disturbed. *We note, however, that article 19 of the Serbian Orthodox constitution provides for suspension until the verdict of the church court is rendered, and "the court is obligated to make a decision within a period of one year." Since no valid action to resolve this matter was effected by church authorities within this period, it would appear from the language of article 219 and the testimony of Father Meyendorf[f], previously set forth in relation thereto, that the suspension of Bishop Dionisije is not presently effective.* Moreover, because Bishop Dionisije's removal and defrockment were in violation of church procedure, consideration of the remaining charges need not be undertaken.

Plaintiffs maintain that the reorganization of the American-Canadian Diocese into three new dioceses was authorized by the constitutions of both the Serbian Orthodox Church and the American-Canadian Diocese. Plaintiffs' contention, however, rests upon the premise that the American-Canadian Diocese is no different from any other diocese over which the Serbian Orthodox Church

has complete authority. The issue involved here was considered and resolved adversely to plaintiffs in both the appellate court and the trial court on remand. The appellate court opinion, which was based solely upon the pleadings, depositions and affidavits, properly disposed of this issue. 72 Ill. App. 2d 444, 458-59.

As recognized in *Watson* v. *Jones,* 80 U.S. (13 Wall.) 679, 20 L. Ed. 666, 670, the United States Supreme Court stated:

> "Religious organizations come before us in the same attitude as other voluntary associations for benevolent or charitable purposes, and their rights of property, or of contract, are equally under the protection of the law, and the actions of their members subject to its restraints. Conscious as we may be of the excited feeling engendered by this controversy, and of the extent to which it has agitated the intelligent and pious body of Christians in whose bosom it originated, we enter upon its consideration with the satisfaction of knowing that the principles on which we are to decide so much of it as is proper for our decision, are those applicable alike to all of its class, and that our duty is the simple one of applying those principles to the facts before us."

While the constitutions of the American-Canadian Diocese and the Serbian Orthodox Church deal primarily with religious matters, they do contain clear and specific provisions concerning the relationship between the Diocese and the Serbian Orthodox Church as regards administrative autonomy. A consideration of these constitutions in regard to the "full administrative freedom" enjoyed by the Diocese does not in any way entangle this court in the determination of theological or doctrinal matters. (See *Maryland and Virginia Eldership of the Churches of God*

v. *Church of God,* 254 Md. 162, 254 A.2d 162, *appeal dismissed,* 396 U.S. 367, 24 L. Ed. 2d 582, 90 S. Ct. 499.) The determination of this issue is made without the resolution of doctrinal questions and without extensive inquiry into religious polity. The fact that the provisions of the constitutions pertinent to this issue are interspersed with other provisions relating to religious rites and doctrines does not preclude judicial review. It is doubtful that there are many church constitutions, charters or documents concerning the relationship and rights between two religious bodies that cannot be said to contain provisions relating to religious rites or doctrines. Therefore, to hold that review is precluded would leave the principle expounded in *Gonzalez* and *Mary Elizabeth Blue Hull* without meaning.

The issue raised here is analogous to the first issue. Bishop Dionisije maintained the proceedings against him were not in accord with the requirements of the constitution and the penal code of the Serbian Orthodox Church. Here, the American-Canadian Diocese maintains the reorganization was in violation of the constitutions of the Diocese and the Serbian Orthodox Church. The determination of this issue, as with the first issue, is merely the enforcement of "the rights of members in an association • • • according to the laws of that association." *Kedroff* v. *St. Nicholas Cathedral of the Russian Orthodox Church in America,* 344 U.S. 94, 122, 97 L. Ed. 1120, 140 [*sic*], 73 St. Ct. 143 (Frankfurther [*sic*], J., concurring opinion).

The early history of the Serbian Orthodox churches in America and of the American-Canadian Diocese itself manifested a clear intention to retain independence and autonomy in its administrative affairs while at the same time becoming ecclesiastically and judicially an organic

part of the Serbian Orthodox Church. The constitution of the Diocese evidences and accomplishes this intent. Article 2 [*sic*] states that the Diocese is considered "ecclesistically-judicially as an organic part" of the Serbian Patriarchate. The article recites no reference to administrative control by the Patriarchate, and, in point, article 3 provides that the Diocese "enjoys full administrative freedom" and can "independently regulate and rule" the activities of the church within the "entire political territory of the United States and Canada.

The desire for administrative freedom is further indicated by the fact that initial provisions of the diocesan constitution, which the Holy Assembly would not accept as a condition for approval, provided that the Diocesan National Assembly would elect its own bishop and have the exclusive right to amend the constitution. The Diocese did not surrender its complete power in regard to this latter provision, for the Holy Assembly may only approve changes introduced and adopted by the Diocesan National Assembly. We conclude, as did the appellate court, that it is inconceivable that the Holy Assembly, which is without an express power to alter or amend the diocesan constitution, has an implied power to utterly revoke that constitution by decreeing that the Diocese ceases to exist.

The constitution of the Serbian Orthodox Church, adopted three years after the constitution of the American-Canadian Diocese was approved, is not contrary to this conclusion. Article 12 states that the church's main administrative division is the diocese in regard to both church *hierarchical* and *administrative* aspects. Article 14 states, "These are the Dioceses in the Serbian Orthodox Church," and then lists only those dioceses within Yugoslavia. The American-Canadian Diocese, prior to May 10, 1963, was

listed in article 15, which, significantly, covered those dioceses "under the jurisdiction of the Serbian Orthodox Church in *spiritual* and *hierarchical* aspect." These two articles clearly distinguish between those dioceses completely subordinate to the Serbian Orthodox Church in both hierarchical and administrative matters and those dioceses subordinate in only the spiritual and hierarchical aspects. By the placement of the American-Canadian Diocese in article 15, the Serbian Orthodox Church recognized, in its own constitution, its jurisdiction over the Diocese only in spiritual and hierarchical concerns. Article 16 states that decisions regarding the establishment, liquidation, or reorganization of the dioceses are decided upon by the Holy Assembly in agreement with the Patriarchal Council. Plaintiffs have pointed to no statement or interpretation of article 16 by the Holy Synod, Holy Assembly, or the Patriarch that a liquidation or reorganization of a diocese is other than an administrative act, nor have we been able to find any. Defendants maintain that the "reorganization" of the Diocese was administrative, and plaintiffs contend, in a rather oblique argument, that it was both hierarchical and administrative. Even accepting plaintiffs' contention, the constitution of the Serbian Orthodox Church does not grant the Holy Assembly the sole power to "reorganize" the American-Canadian Diocese, and in this regard it is consistent with the constitution of the Diocese. For the above-stated reasons, we find that the division of the American-Canadian Diocese into three new dioceses by the Holy Assembly was "in clear and palpable excess of its own jurisdiction," and as such, it is not binding on civil courts. *Schweiker* v. *Husser*, 146 Ill. 399, 415, 425.

The American-Canadian Diocese and the monastery corporation maintain that the relationship between the

Diocese and the Serbian Orthodox Church has been terminated by reason of the church's breach of the contract between them or by reason of the parties' mutual repudiation. Plaintiffs assert that no contract ever existed, that the Diocesan National Assembly which proclaimed the Diocese completely autonomous was constitutionally illegal, and that the Diocese's attempt to proclaim its complete autonomy was violative of the constitutions of both the American-Canadian Diocese and the Serbian Orthodox Church. Defendants do not contend that the constitution of the Serbian Orthodox Church provides any authority under which the Diocese could proclaim autonomy. Moreover, the constitution of the Diocese states that any amendments adopted by the Diocesan National Assembly must be approved by the Holy Assembly of Bishops.

In considering this issue, a determination must first be made as to what is the actual relationship between the American-Canadian Diocese and the Serbian Orthodox Church. Reviewing the history of the Diocese, as disclosed by the record and the constitutions of the respective parties, we find that the relationship is more than a mere contract or compact. Rather, it is a relationship of religious unanimity wherein people of common faith joined with a recognized higher church organization to further the practice of their faith. The constitutions of the parties are simply the expressions of the temporal laws governing this religious union and are only a minor aspect of it. Actions which are contrary to these temporal laws are not a repudiation or an abrogation of the primary and basic relationship of religious unity.

The attempt of the Diocese to declare its complete autonomy is similar to the attempt of the Holy Assembly

of Bishops to divide the Diocese. Both actions were contrary to their respective constitutions. Neither act, however, was a repudiation of the basic religious unanimity, thereby permitting the parties to abandon their union or to ignore the temporal laws governing their relationship.

Moreover, viewing this issue solely in regard to the respective constitutions, the parties recognize that neither provides for a unilateral withdrawal. As the action of the Holy Assembly in attempting to divide the Diocese was "in clear and palpable excess of its own jurisdiction," so also is the action of the Diocese in attempting to secede. Accordingly, the declaration of complete autonomy by the Diocese is not binding on civil courts. We do not infer, however, that the relationship existing between the American-Canadian Diocese and the Serbian Orthodox Church is the same type of relationship as exists between the Diocese and its respective church-school congregations.

Accordingly, the judgment of the circuit court of Lake County that Bishop Dionisije's deposition and defrockment were proper is reversed; the judgment that the division of the American-Canadian Diocese into three new dioceses was illegal and unenforceable is affirmed; and the judgment that the actions of the Diocesan National Assembly in November, 1963, amending the constitution of the Diocese are without force or effect is affirmed. The cause is remanded to the circuit court of Lake County for further proceedings not inconsistent with the views expressed herein.

Affirmed in part and reversed in part and remanded.

MR. JUSTICE SCHAEFER took no part in the consideration or decision of this case.